UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
11th meeting
held on
Tuesday, 8 October 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 11th MEETING

Chairman: Mr. AFONSO (Mozambique)

CONTENTS

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

ORGANIZATION OF WORK

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/46/SR.11
16 October 1991
ENGLISH
ORIGINAL: FRENCH

91-56388 3928S (E)

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/46/33 and Corrigenda, A/46/335 and 383)

1. Mr. KOLMA (Mozambique) said that the adoption by the Committee of the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security and the handbook on the peaceful settlement of disputes between States (A/46/33) represented a concrete and valuable contribution to the United Nations Decade of International Law. He noted in passing that his delegation supported the proposal to replace the word "paper" by the word "Declaration" throughout the text.

2. The draft Declaration was a very balanced document and the Special Committee had succeeded in reconciling the provisions of Articles 34 to 38 of the Charter with the current practice of the Organization, whereby the Secretary-General could, on his own initiative or at the request of the States concerned, arrange for fact-finding missions if he noted the existence of a dispute or a conflict situation. Since the establishment of such missions was the responsibility of both the Security Council and the General Assembly, as well as the Secretary-General, there was an imperative need for closer collaboration and coordination among them. The Special Committee had also found an appropriate means of reconciling the exercise by the United Nations of its responsibilities with the principles of national sovereignty and non-interference in the internal affairs of other States by including the stipulation (para. 6 of sect. I of the draft Declaration (A/46/33)) that the sending of a fact-finding mission required the prior consent of the State concerned. His delegation nevertheless considered that the State concerned must express its consent explicitly and that silence should not be interpreted as consent.

3. Difficulties might arise in the implementation of some of the provisions contained in paragraph 23, section III of the draft. The State concerned presumably would be able to refuse a United Nations mission authorization to enter certain parts of its territory to which access was restricted under its national laws or regulations. He wondered whether, in cases of that kind, the State concerned would be required to lift this prohibition as an exceptional measure. His delegation felt that access by a United Nations fact-finding mission to such areas did not fall within the scope of privileges and immunities. With regard to paragraph 27, section III of the draft, he wondered whether appropriate rules of procedure for hearings already existed, and, if not, who would be responsible for drawing them up.

4. With regard to the two questions raised in paragraph 21 of the Special Committee's report, his delegation considered that the use of the word "Declaration" in the title of the document was quite appropriate, but that the

(Mr. Kolma, Mozambique)

use of the word "solemnly" in the final preambular paragraph was not. He called for the draft Declaration to be adopted by the General Assembly at its current session.

5. For his country, which was currently experiencing the horrors of a protracted and destructive war, the handbook on the peaceful settlement of disputes between States was of particular interest. His Government was striving to end the conflict which was ravaging the country. A new constitution had come into force in November 1990, embodying the principles of democratic pluralism and respect for human rights and fundamental freedoms. New legislation adopted in January 1991 had provided a legal framework for the activities of the emerging political parties. An electoral law, currently being drawn up, should govern the legislative and presidential elections scheduled for 1992. The handbook was an important reference document which should be given the widest possible distribution.

6. While the central role of the competent bodies of the United Nations in maintaining international peace and security should certainly be acknowledged, it would be wrong to view that task as a sort of monopoly. The working document submitted by the Soviet Union on the enhancement of cooperation between the United Nations and regional organizations (A/46/33, para. 46) therefore deserved careful consideration by the Sixth Committee.

7. Although membership of the United Nations had more than tripled since its inception, the membership of the Security Council was still restricted to 15. With the apparent end of the cold war and the winds of democratization blowing all over the world, surely it was time to democratize the Organization itself. His delegation strongly supported the proposals put forward by the Secretary-General in his report on the work of the Organization (A/46/1) with a view to reforming and restructuring the Organization so as to adapt it to the new realities of the contemporary world.

8. Mr. YOUSIF (Sudan) stressed the importance which his country attached to the Committee's work. The handbook on the peaceful settlement of disputes between States was an important contribution to the exploration of ways of settling conflicts between States, supplementing other achievements of the Committee, such as the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field.

9. The draft Declaration on Fact-finding by the United Nations was a step in the right direction. His country shared the view that it was necessary to specify which bodies of the United Nations were empowered to undertake such activities. Paragraph 3, section I, of the draft omitted to provide details on the rules for the implementation of procedures or to indicate which body a party should turn to for an evaluation of the progress of a fact-finding mission. Paragraph 3 therefore needed to be revised and amplified.

(Mr. Yousif, Sudan)

10. The parties concerned should be empowered to refuse to allow certain persons to take part in fact-finding missions without having to justify their decision, so as to ensure the objectivity and impartiality mentioned in paragraph 3. On many occasions the Declaration used the words "situation" and "dispute". It was essential to define the "situations" and "disputes" which required the sending of fact-finding missions, such as conflicts which threatened international peace and security or which involved two or more States. On the other hand, they should exclude internal conflicts, out of respect for the sovereignty of States. On that point, his country did not agree that the sovereign rights of States should be superceded when the situation or dispute concerned peoples or groups on their territory.

11. Commenting on paragraph 13, section II, he said that the capacity of the Secretary-General to undertake a fact-finding mission should be restricted in that it should be subject to the prior consent of the State concerned. The Sudan rejected the idea that a mission could be sent at the request of parties other than the legitimate Government of the State concerned. Moreover, the Declaration should preferably have contained provisions on the facts found, which should be firsthand and from a source authorized by the host State.

12. More work should have been done on the draft Declaration instead of submitting it to the General Assembly at the current session. Several delegations, in fact, believed that it should be further amended. Considering the number and variety of proposals made to the Committee, it would perhaps have been preferable to elaborate an international convention rather than a simple declaration.

13. Given the importance of cooperation between the United Nations and regional bodies, the means afforded to the latter under the Charter ensuring the maintenance of international peace and security should be examined, as well as the role they could play if the United Nations was seized of a dispute or a conflict situation.

14. The Special Committee should re-examine the provisions of the Charter with the object of removing those which impaired the ability of the Security Council to assume its responsibility for the maintenance of international peace and security. The Sudan endorsed the proposal to enlarge the composition of the Council.

15. The Sudan hoped that the Special Committee would examine the United Nations rules for the conciliation of disputes between States (pursuant to resolution 45/413 of the General Assembly dated 28 November 1990). In the Sudan, the legal system was based on the Shariah and custom, and the first available remedy was conciliation and arbitration before recourse was had to the courts. The Sudan reiterated that it was important to respect the United Nations Charter and the principles of national sovereignty and non-intervention in the internal affairs of States.

(Mr. Yousif, Sudan)

16. Of the responses received from the United Nations specialized agencies concerning technical aspects and procedure (A/46/383), the reply of the United Nations Commission on International Trade Law was extremely useful. It was important to draw upon the sum of specialized knowledge in the field of conciliation.

17. In conclusion, he said that the Sudan supported the proposals of the Libyan representative regarding the imbalance existing in representation in the Security Council; its composition should be enlarged.

18. Mrs. SILVERA (Cuba) said that the proposals for reforming the Charter should be viewed in the historical context of the cold war and decolonization.

19. She recalled that since the San Francisco Conference in 1945, the disagreements which had arisen over fundamental elements of the Charter had led to proposals for reform, including abolition of the rule of unanimity of the permanent members of the Security Council on questions of the peaceful settlement of disputes and regional arrangements, and the widening of the powers vested in the Council to the detriment of the General Assembly. She further recalled the proposals concerning a reduction in the number of members having the right of veto, the circumstances under which that right could be exercised and an increase in the number of non-permanent Council members. The Bandung Conference had transformed the last-named proposal into an agreement, declaring that the need for a fair geographical distribution demanded access to membership in the Security Council by the countries of Asia and Africa. In 1956, the Latin American countries had submitted a similar proposal regarding their own representation in the Council.

20. Although it was now 46 years since the Charter had been adopted, it was more necessary than ever to adapt the institutions, mechanisms and procedures it provided in order to ensure justice and equity in the principal organs of the United Nations, bearing in mind the principle of the sovereign equality of all Member States.

21. The Special Committee therefore had to consider and formulate recommendations or guidelines designed to authorize the General Assembly to ask the Security Council for special reports on all important questions connected with the maintenance of international peace and security. On that basis, it should be empowered to make concrete proposals regarding the practical activities of the Council; to enlarge the membership of the Security Council, having regard for the principle of a fair geographical distribution; to democratize the Council and in particular, to eliminate the right of veto accorded to the permament members; to define the term "procedural matters" used in Article 27, paragraph 2 of the Charter; and to develop provisions and principles clearly regulating the military activities of the Organization and the right of the Assembly to issue directives regarding the use of military forces organized under the auspices of the United Nations.

(Mrs. Silvera, Cuba)

22. The Cuban delegation recalled the proposals it had already made with a view to reappraising the functions and responsibilities of the Security Council in the light of strict respect for the Charter and its rules of procedure, and to examining measures which would better enable the General Assembly to perform the functions and responsibilities assigned to it under Article 10 of the Charter.

23. Having completed the Manila Declaration on the Peaceful Settlement of Disputes and, more recently, the handbook on the peaceful settlement of disputes between States, the Special Committee could now develop a legally binding and universally recognized document dealing with the peaceful settlement of disputes.

24. The draft Declaration on Fact-finding, reproduced in paragraph 19 of document A/46/33, would help to improve peaceful relations between States in the sense that, having imposed as a precondition the consent of the State hosting a mission, it would effectively establish the principles of the sovereignty of States and non-interference in their internal affairs.

25. An analysis of the functioning of the Security Council should be one of of the Special Committee's first future tasks, experience having shown just how necessary it was to ensure that the authority conferred upon its permanent members did not become the object of manipulation. Furthermore, the rationalization of the procedures of the Organization should be extended to all its organs without exception. In conclusion, the Cuban representative declared that her country wished to become a member of the Special Committee, and that it would continue to collaborate actively in its work.

26. Mr. BAEV (Bulgaria) noted with satisfaction that the spirit of good will and cooperation among the members of the Special Committee had enabled them to complete the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security. It was a well-balanced text in the sense that it confirmed the principle of prior consent by the States into whose territory a mission was to be sent at the same time as it recommended that the States should allow such missions to enter their territory as a matter of policy. The adoption of the draft by the General Assembly would represent a new milestone in the process of establishing a detailed set of rules endowing the principal organs of the United Nations with sufficient means effectively to discharge their responsibilities in that field.

27. The handbook on the peaceful settlement of disputes between States would be a very useful tool for Governments, researchers and academic institutions. Once published it should be widely distributed.

(Mr. Baev, Bulgaria)

28. The Sixth Committee should give careful attention to the future agenda of the Special Committee. The annual report of the Secretary-General on the work of the Organization (A/46/1) raised important issues in that regard. In the view of his delegation, it was important for the future work of the Special Committee to be organized around two focal points: the maintenance of international peace and security and the peaceful settlement of disputes.

29. As a result of recent changes in the international situation, the United Nations was now able to implement provisions of the Charter that had once seemed stillborn. Events over the past few years had offered proof of the vitality of the provisions of Chapter VII of the Charter and of the effectiveness of the Security Council in upholding international law when it remained firm in its resolve. Emphasis should now be placed on the need for preventive diplomacy. Enforcement actions under Chapter VII should be measures of last resort. Developing an early-warning system would enable the United Nations to monitor and prevent potential conflicts. That important aspect of preventive diplomacy should be included on the future agenda of the Special Committee.

30. His delegation had welcomed the unanimous adoption of resolution 713 (1991), in which the Security Council had recalled the provisions of Chapter VIII, expressed full support for the regional efforts to restore peace and dialogue in Yugoslavia and decided to impose an arms embargo under Chapter VII.

31. During the most recent session of the Special Committee, the Soviet Union had presented a working document on the enhancement of cooperation between the United Nations and regional organizations (A/46/33, para. 46). Recent events had clearly demonstrated the importance of that issue. His delegation shared the view of the Secretary-General that the machinery of peace required a working relationship based on mutual rapport between the United Nations and the regional agencies.

32. Strict implementation of enforcement measures under Article 41 of the Charter might have an extremely grave impact on the economies of States with economic ties to the targeted State. In such a case, it was of paramount importance that those States should be able to exercise their rights under Article 50 rapidly. His country, which was one of those worst affected in that respect, had been compelled to request urgent application of those provisions. Its appeal had been heeded by more than 20 States. His Government underscored the continuing validity of the Security Council decision of 12 December 1990 and the subsequent appeal by the President of the Council in relation to Article 50 of the Charter. His country was still looking forward to the concrete measures that should come as a result of those decisions. It noted with satisfaction the Secretary-General's reference to the matter in his annual report on the work of the Organization (A/46/1). In view of past experience and of the problems awaiting solution, elaborating general and flexible guidelines would facilitate the rapid application of those important provisions.

(Mr. Baev, Bulgaria)

33. With respect to the peaceful settlement of disputes, his delegation supported the proposal to enhance the role of conciliation. In its opinion, the Special Committee should consider the matter further.

34. In his annual report, the Secretary-General had reiterated his suggestion that the General Assembly should give him the authority to request an advisory opinion from the International Court of Justice. His delegation believed that that proposal merited careful consideration.

35. The new world order should be based on the concept of the rule of law and justice. That was why his country's new Constitution made all international treaties ratified by the country a part of its internal law. In the event of contradiction, the provisions of those treaties would prevail over internal law. The relevant article of the Constitution covered, inter alia, international treaties on human rights and treaties in which resort to arbitration or judicial settlement of disputes were envisaged.

36. The United Nations would play an increasingly important role in establishing a new international political order. In doing so, it should rely on the joint efforts and active cooperation of all its Member States. For that reason, certain anachronistic aspects of the Charter, such as the term "enemy States", should be eliminated.

37. Mrs. GOLAN (Israel) was glad to see that paragraph 6 of the draft Declaration on Fact-finding (A/46/33, para. 19) endorsed the idea that sending a United Nations fact-finding mission to the territory of any State required the prior consent of that State. That requirement was in keeing with the fundamental concepts and principles of international law and ensured the impartiality of the mission. Such consent should be specific and should not be implied from the circumstances. It applied not only to the mission itself but also to its individual members. That point should be clearly specified in the text.

38. While chapter II of the draft was in line with Article 12 of the Charter, it did not wholly eliminate the risk of overlapping and duplication by United Nations organs.

39. With regard to paragraph 16, in considering the possibility of undertaking a fact-finding mission, the competent United Nations organs should bear in mind not only fact-finding efforts undertaken by the States concerned but also any other methods of peaceful settlement that they had chosen to adopt, i.e., good offices, mediation, conciliation, arbitration or judicial settlement.

40. Her delegation welcomed the preparation of the handbook on the peaceful settlement of disputes between States and hoped that once it had been adopted by the General Assembly, it would be distributed in various languages.

41. Mrs. TUNKU DATO' NAZIHAH MOHD. RUS (Malaysia) said that the recent Gulf conflict had underlined the need for the United Nations to treat conflict prevention as a matter of utmost urgency and give it highest priority. That viewpoint was shared by the Secretary-General in his report on the work of the Organization (A/46/1). However, in order to make preventive diplomacy work, it was necessary for the United Nations to have mechanisms and a plan of action that would enable it to act quickly. The Secretary-General, in particular, had to play an active role, which meant that the Secretariat must have the means to monitor possible conflict situations, alert the Security Council and dispatch fact-finding missions to the field. Furthermore, to pursue preventive diplomacy, the Security Council had to be able to dispatch United Nations peace-keeping missions without delay.

42. Her country would like to see the question of preventive diplomacy become a top priority on the agenda of the United Nations. That was why it fully supported the proposal made in the General Assembly by the Minister for Foreign Affairs of Japan calling for the establishment of a conflict prevention system. It also supported the draft Declaration on Fact-finding by the United Nations, although there was clearly a need to strengthen the Secretariat's capabilities in that regard.

43. The recent success in settling regional conflicts through negotiations involving the United Nations (Angola, Western Sahara, Cambodia and El Salvador) should encourage the international community to give renewed emphasis to the peaceful settlement of disputes between States. Malaysia therefore welcomed the publication and distribution of the handbook on the peaceful settlement of disputes between States (A/46/33, annex) as being useful and timely. Furthermore, the negotiations had involved positive contributions by regional groups: it was thus that the Association of South-East Asian Nations (ASEAN) countries had played an active role in the resolution of the Cambodian question. As the Secretary-General had also said in his report on the work of the Organization (A/46/1), working relationships between the United Nations and regional organizations in the peaceful settlement of conflicts should be strengthened.

44. In addition, Malaysia hoped that the Special Committee on the Charter would consider the proposal of the Secretary-General in the same report concerning the insufficient use of the International Court of Justice, the principal judicial organ of the United Nations, in settling disputes. The Secretary-General should be given authorization to consult the Court, just as Article 96 of the Charter gave that possibility to the General Assembly. From that standpoint, thought should be given to strengthening the position and role of the Secretary-General and making the Secretariat more effective.

45. With respect to the future work of the Special Committee, her delegation considered that it should now be entrusted with considering specific topics raised in the discussions of the Sixth Committee on the ability of the United Nations to promote peaceful settlement of disputes and preventive diplomacy.

46. Mr. GARZA CANOVAS (Mexico) welcomed the submission by the representative of Guatemala of the draft conciliation rules of the United Nations (A/45/143), which was perfectly in line with the objectives expressed by the Ibero-American heads of State and Government in the Guadalajara Declaration (A/46/317-S/2283). The Declaration specifically pointed out the mechanisms for the peaceful settlement of disputes were one of the issues of international law to which priority should be given. Mexico would therefore support the Guatemalan initiative until it became a legal instrument for use by States.

47. Conciliation was provided for in the United Nations Charter and in the majority of regional treaties and conventions on the matter. According to paragraph 140 of the draft handbook on the peaceful settlement of disputes between States, published in an annex to the report of the Special Committee (A/46/33), conciliation was a procedure which combined the advantages of mediation and inquiry and was applicable to all disputes. It should therefore be the most common method of the peaceful settlement of disputes.

48. The Guatemalan proposal on the conciliation rules of the United Nations was the result of an in-depth study, solidly based not only on existing conventions and treaties, but also on various studies carried out by international institutions concerned with international law. The suggested draft constituted a good foundation for the future work of the Special Committee, which could give it its final form. The final draft should be flexible and functional so that it could effectively be used by nations in the most appropriate way for the particularities of a given conflict.

49. Mr. HALLAK (Syrian Arab Republic) expressed his satisfaction with the quality of the Committee's work, particularly concerning the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, which had resulted from the convergence of views of different Members. All those who had participated in elaborating the draft handbook on the peaceful settlement of disputes between States should also be congratulated for having produced a balanced text.

50. The Minister for Foreign Affairs of Syria had recently stated before the General Assembly that all the peoples of the world hoped that the new situation in international relations meant that the United Nations would no longer be paralysed as it had been in the past and would act in conformity with the Charter and its principles with a view to safeguarding international peace and security. To that end, attention should be paid to proposals aimed at strengthening cooperation between the United Nations and regional organizations. Lastly, the Special Committee on the Charter was the appropriate body to discuss questions concerning the strengthening of the role of the United Nations and the peaceful settlement of disputes between States.

51. Mr. CALERO RODRIGUES (Brazil) recalled that, bearing in mind the state of advancement of the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, reproduced in paragraph 19 of the Special Committee's report, the expression "for the purpose of the present paper" contained in it was no longer appropriate. As the delegation of Mozambique had already pointed out, it should be replaced by the expression "for the purpose of the present Declaration".

52. It was so decided.

53. Mr. GOUZAIL (Libyan Arab Jamahiriya) thanked those delegations who had supported his country's proposal as set out in paragraph 14 of the Special Committee's report. All those who had expressed themselves in favour of a new reading of the Charter and the abolition of the right of veto in the Security Council had thus responded to an appeal in favour of international peace and security.

54. The CHAIRMAN announced the closure of the debate on agenda item 131 on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and the report of the Secretary-General on draft United Nations conciliation rules.

ORGANIZATION OF WORK

55. The CHAIRMAN said that he had received a letter from the Secretary-General of the Permanent Court of Arbitration at The Hague, referring to the celebration of the Decade of International Law, and requesting permission to speak on the subject before the General Assembly. Although the Sixth Committee was not accustomed to hearing the representatives of agencies which were not members of the United Nations system, the Chairman understood that delegations were prepared to welcome the Secretary-General of the Permanent Court of Arbitration. If there was no objection, he would send him a reply so indicating.

56. It was so decided.

The meeting rose at 5 p.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
12th meeting
held on
Thursday, 10 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 12th MEETING

Chairman: Mr. AFONSO (Mozambique)

CONTENTS

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

(a) REPORT OF THE SECRETARY-GENERAL

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-56456 3913S (E)

Distr. GENERAL
A/C.6/46/SR.12
14 October 1991

ORIGINAL: ENGLISH

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

(a) REPORT OF THE SECRETARY-GENERAL

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (A/46/346 and Add.1)

1. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on the item under consideration (A/46/346 and Add.1), briefly outlined its contents. He wished to draw attention to the fact that since the Committee had last considered the item currently before it many States had become party to one or another of the international conventions listed in the annex to the report; moreover, some States had withdrawn the reservations they had entered in respect of the conventions. The reservations in question had chiefly concerned the question of the peaceful settlement of disputes. It should also be noted that since the item under consideration had last been considered by the Committee the Convention on the Marking of Plastic Explosives for the Purpose of Detection had been signed, at Montreal, on 1 March 1991. The fact that those Conventions had been elaborated under the auspices of the United Nations system was proof of the Organization's firm stand against international terrorism, as were the various relevant resolutions adopted by the General Assembly and the Security Council. The international community's concern with respect to the problem of terrorism was also reflected in the provisional adoption on first reading by the International Law Commission, at its most recent session, of a draft article on international terrorism, which had been included among the articles on the draft Code against the Peace and Security of Mankind.

2. Furthermore, the Secretary-General had himself indicated that the question of defining terrorism and investigating its underlying causes did not diminish the urgency of taking preventive measures; that, although there might be varying perceptions of the threat, no country was guaranteed safety from the danger; and that it was in the interest of all to deny to the perpetrators of terrorist acts the facilities and instruments they used.

3. He hoped that at the current session of the General Assembly the Sixth Committee would be able to repeat the success it had had at the forty-fourth session in reaching a consensus on the issue of international terrorism, and that its deliberations would strengthen international cooperation to prevent terrorism.

4. Mr. VAN SCHAIK (Netherlands), speaking on behalf of the 12 States members of the European Community, said that the Twelve reaffirmed their support for General Assembly resolution 44/29, which unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed. No cause, however legitimate, could justify acts of terrorism, which negatively affected relations among States and endangered the stability of the international order. The Twelve called upon the parties responsible for the holding of hostages and abducted persons to bring about their immediate, unconditional and safe release, in accordance with General Assembly resolution 44/29. In that connection, the Twelve wished to express their appreciation for the Secretary-General's tireless efforts in addressing the hostage issue, particularly since his good offices had recently led to the release of some hostages.

5. In view of the frequency and gravity of terrorist activities worldwide, States should continue to coordinate their responses to terrorism as closely as possible. The Twelve reaffirmed their readiness to cooperate constructively with all States in combating terrorism through the implementation of effective measures, as recommended in resolutions 40/61, 42/159, and 44/29. States should fulfil their obligations under international law to refrain from organizing, instigating, assisting, or participating or acquiescing in terrorist acts in or against other States. The Twelve were convinced that the best approach to combating terrorism was to focus on specific terrorist acts. Moreover, States should reinforce cooperation through the exchange of information to enable Governments to strengthen their capability to prevent acts of terrorism, and to prosecute or extradite suspected perpetrators.

6. While welcoming the conclusion of the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the Twelve wished to voice their concern at all acts of unlawful interference in international civil aviation, and urged the International Civil Aviation Organization to intensify its efforts to prevent all acts of terrorism against international civil aviation. They welcomed the increased adherence to the conventions referred to in resolution 44/29, and urged those States that had not yet ratified or acceded to the conventions in question to consider doing so, thus ensuring that perpetrators of terrorist acts would under no circumstances be provided with a safe haven.

7. The Twelve were of the view that the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation was inappropriate. Convening such a conference would signify a departure from their policy of avoiding generalities and of instead focusing on specific acts of terrorism. Such a conference would, moreover, perpetuate the misconception that there was a link between terrorism and the exercise of the right to self-determination. Experience had shown that defining terrorism presented insurmountable difficulties, and that no practical result could be expected from a conference such as the one proposed. Indeed, attempts to agree on a definition were not only bound to fail but might jeopardize the results obtained with such difficulty over the years on that important and sensitive subject.

(Mr. Van Schaik, Netherlands)

8. Since any terrorist act was an outrage against the international community as a whole, the Twelve looked forward to the unanimous adoption once again of a resolution unequivocally condemning terrorism.

9. Mr. MARTINEZ GONDRA (Argentina) said that the news report earlier in the day of the abduction of a diplomat showed that the international community was at the mercy of terrorism. Despite the concrete measures taken by States Members of the United Nations to prevent acts of terrorism, such acts continued to be committed throughout the world. In Latin America terrorism was often linked to drug trafficking, the activities of mercenaries and arms trafficking, and the problem of terrorism had become so acute in some countries that it threatened their constitutional order. While many Governments had responded vigorously to international terrorism, experience had shown that effective international cooperation was necessary to prevent it. His delegation therefore welcomed the signing at Montreal on 1 March 1991 of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

10. Argentina had signed and ratified all the major conventions dealing with terrorism. On 18 September 1991, it had deposited its instrument of ratification of the International Convention against the Taking of Hostages, which would enter into force with respect to Argentina on 18 October 1991.

11. It was difficult, though not impossible, to define international terrorism. Prior agreement was required on such basic questions such as whether terrorist acts should be defined on the basis of the causes and motives underlying them or on the basis of the means employed. Since there was as yet no such agreement, it would be inappropriate at the current stage to convene an international conference to define terrorism.

12. In any event, his delegation questioned the wisdom of attempting a general definition which might not cover all terrorist acts. It would perhaps be more effective and practical if Governments cooperated by adopting conventions governing specific manifestations of international terrorism, exchanging information, harmonizing their legislation, prosecuting or extraditing perpetrators of terrorist acts, and, in particular, by refraining from instigating, assisting in or acquiescing in the organization of terrorist acts against other States.

13. Mr. MOREIRA LIMA (Brazil) said that the item under consideration posed a challenge to the members of the Committee in that it required them to demonstrate that they could work together to find ways of preventing international terrorism. The subject had been made even more complex by the introduction into General Assembly resolution 44/29 of two other related ideas, i.e. the study of the underlying causes of terrorism and the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation.

(Mr. Moreira Lima, Brazil)

14. Brazil unequivocally condemned terrorism in all its forms and manifestations and was firmly committed to combating it by all legal means. While terrorism could never be justified, it was impossible to ignore the fact that, in certain circumstances, it might be linked to political, social and economic realities. To be effective, therefore, the struggle against terrorism should also take into account those realities, such as the denial of the right to self-determination, foreign intervention, and racial discrimination and segregation. Defining terrorism had broad theoretical and political implications. Complex historical, sociological and political factors would have to be taken into consideration, and it was far from certain that the international community was ready to agree on the basic common elements that were essential in order to pursue a broad course of action. Instead of striving to attain more ambitious goals, the Committee should adopt a step-by-step approach and concentrate initially on identifying more specific measures against terrorism on which it would be easier to reach general agreement.

15. Mr. DEL MAR (Philippines) said that his country strongly and unequivocally condemned terrorism, regardless of the causes that generated it or the motivations of its perpetrators. Terrorism constituted a breach of international law, a violation of the norms of civilized conduct and an affront to basic standards of decency and morality. Having itself experienced acts of terrorism within its own borders, the Philippines was particularly sensitive to the danger and reprehensible nature of terrorism. His Government had taken decisive action against terrorism and pursued a policy of non-accommodation of the demands of terrorists. Any accommodation of, or negotiation with, terrorists only encouraged a climate of fear and provided an unhealthy breeding ground for even more violent and destructive terrorist activities. The Philippine Congress had enacted various laws to combat terrorism within the country and had at various times held legislative inquiries focusing on more effective ways of combating terrorism.

16. On the issue of the convening of an international conference to define terrorism, the Philippines was disinclined to endorse the proposal in question, since such a conference was likely to be highly politicized and counter-productive. Instead, efforts should be made to build on the existing level of international cooperation in combating terrorism and to institutionalize such cooperation. In addressing the issue of terrorism, the international community should begin by recognizing the basic reality that Governments would initially define their attitudes towards terrorism and develop strategies for dealing with it in the light of their domestic settings. Domestic definition of terrorism and strategies for combating it would determine a State's position in international, regional or bilateral negotiations and discussions on terrorism. The international community could not compel its members to proceed at a pace that was faster or different from the pace which those members had set for themselves. It would not be useful to attempt to define terrorism when it was unclear whether or not unanimity could be achieved on a definition. Even if a conference yielded a definition on which there was some degree of consensus, States would not be bound by such

(Mr. Del Mar, Philippines)

a definition and would conduct themselves in the ways that they had developed in their various domestic environments. It would be better to allow a working definition of terrorism to evolve naturally, with States coming to terms with each other's definition until a workable consensus was reached. Such a natural progression towards a consensus would result in practical means of cooperation and assistance. When there was a consensus on the issue of terrorism, then it would be appropriate to convene an international conference.

The meeting rose at 11.05 a.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
13th meeting
held on
Friday, 11 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. AFONSO (Mozambique)

CONTENTS

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued)

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/46/SR.13
16 October 1991

ORIGINAL: ENGLISH

91-56486 3932S (E)

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1)

1. Mr. SULE (Chile) said that international terrorism was a matter of particular concern to his Government, which unequivocally condemned it in all its forms and manifestations. Terrorism violated fundamental human rights, obstructed the smooth functioning of society and undermined democratic institutions. It harmed not only individuals but society in its entirety, and it even had an impact beyond national boundaries, thereby creating new sources of conflict.

2. The struggle against terrorism should be waged in accordance with the principles laid down in the Universal Declaration of Human Rights. Those universal principles had been enshrined in the Chilean Constitution and had guided the Commission for Truth and Reconciliation in its work. The Commission had been established under Supreme Decree No. 355 in 1990 in order to determine the truth on the grave human rights violations that had involved the State of Chile, whether inside or outside Chile, in recent years and in order to bring about the reconciliation of all Chileans. Such violations included instances where detainees had disappeared, or had been executed or tortured to death, in respect of which the State had had a moral responsibility, as well as abductions and attempts on human life perpetrated by individuals for political motives.

3. The Commission had considered both terrorist acts committed by agents of the State or individuals in the service of the State and terrorist acts committed by individuals for political motives. In its report, it had taken the view that one and the same illicit act committed by an agent of the State could be characterized, without contradiction, in different ways. While such distinctions might seem to be purely academic, they had given rise to heated debate mainly because the term "human rights violation" had acquired a symbolic significance over and beyond its technical meaning not only in Chile but in the international community as a whole. The Commission had noted that traditionally the most respected human rights organizations had taken the position that human rights standards mainly governed relations between States and their citizens and that acts committed by individuals should therefore not

(Mr. Sule, Chile)

be referred to as human rights violations. According to that traditional perspective, to do so would be to divert attention from the exceptional gravity of a situation in which the State, which had authority over the forces of law and order and was responsible for protecting the rights of citizens, used its authority to violate those rights. Very often, however, when the term "human rights violations" was limited to the actions of the State, it was seen by public opinion as an attempt to condone or justify abuses or atrocities committed by political opposition groups. The idea had become firmly established in the public mind that there were certain human values which should be respected not only by the State but by all political protagonists. Such values were derived partly from the human rights norms and partly from the norms of international humanitarian law or the laws of war and they governed all political, public or private persons in times of peace, and all combatant forces in armed conflicts. In the public mind, the values in question had become synonymous with the term "human rights", thereby displacing the more restrictive historical meaning of the term.

4. The decree establishing the Commission for Truth and Reconciliation had defined human rights violations as not only those acts committed by agents of the State but also acts committed by individuals for political motives. While accepting the broader interpretation of the term "human rights", the Commission had emphasized that terrorist and other unlawful acts committed for political motives could not justify human rights violations by the State.

5. The solution adopted by the democratic Government of Chile had been to amend Act No. 18.314, which defined terrorist acts and established penalties, in order to define terrorism more precisely, broaden the scope of the definition and increase the relevant penalties, while at the same time guaranteeing due process of law for persons accused of acts of terrorism. The Chilean National Congress was also preparing bills designed to protect society from terrorism by seeking to bring about not only the dissolution of terrorist groups but also the reintegration of their members into society, which was a crucial element in the struggle against terrorism. Terrorism was an assault against the democratic order and there should therefore be a coordinated response from all social and political forces. In that connection, the Government of Chile had established a public safety commission to advise the President of the Republic and to process and transmit all intelligence data on terrorism to the various national security agencies.

6. At the international level, Chile had become a party to a number of conventions on terrorism and was currently studying the question of its early accession to two more instruments. It was important that States should not only observe the provisions of the relevant conventions but also accede to them, which would permit more effective implementation. The current relaxation of international tensions provided a favourable climate for the objective consideration of terrorism and its destructive consequences for society. It was important for the international community to develop a legal

(Mr. Sule, Chile)

framework to deal with the problem. While aware of the difficulty of establishing universal norms on the subject, particularly in view of the different concepts and approaches used in the various legal systems, the delegation of Chile agreed that there was an urgent need to join forces in the struggle to eliminate terrorism. The Sixth Committee should therefore proceed without delay to consider the replies received from both Governments and intergovernmental organizations with a view to harmonizing the different concepts and preparing a common basis for a more widely accepted normative framework. Moreover, in the relevant resolution to be adopted at the current session Governments of States that had not yet done so should be urged to communicate to the Secretary-General their views on international terrorism in all its aspects and on ways and means of combating it.

7. Mr. DONIGI (Papua New Guinea) said that his Government, whose position regarding terrorism was outlined in the report of the Secretary-General contained in document A/46/346, wholeheartedly condemned terrorist acts of any kind and supported the convening under United Nations auspices of an international conference on terrorism. However, the wording of the relevant General Assembly resolution, namely resolution 44/29, was very general, and gave the impression of focusing on the "violent" aspects of terrorism to the exclusion of its other manifestations: it should not be overlooked that terrorism could take the form of apparently lawful acts which none the less had the effect of violating fundamental human rights. It was therefore necessary to take a broader view of the concept of terrorism in order to encompass acts which were intended to create anxiety or terror, to coerce, or to induce a positive or negative response by means of threats. A further dimension of the problem was to be found in the fundamental right of indigenous peoples within a State to preserve their culture and to safeguard their property and resources, a right which went beyond the struggle for self-determination and national liberation.

8. In the case of Papua New Guinea, for example, the right of the indigenous peoples to benefit from exploitation of mineral and petroleum resources was recognized in customary law, whereas the Australian mining and petroleum laws applicable prior to independence affirmed that such resources were the property of the State. The Constitution adopted upon the country's accession to independence recognized the right to private ownership of such property, subject to the State's right to acquire property for a "public purpose". To protect their interests the mining and petroleum companies, which were mostly foreign multinationals, had quite legitimately established the Chamber of Mines and Petroleum. In recent years, however, those companies had become so influential that they had been able to threaten the people and Government of Papua New Guinea with total withdrawal of investments if the status quo regarding ownership of those resources was not maintained, a threat which was surely tantamount to terrorism in that it involved coercion, albeit without violence.

(Mr. Donigi, Papua New Guinea)

9. Licensing arrangements in the fishing industry were also highly discriminatory and calculated to perpetuate what might be termed the "dependency syndrome", as did the use of trade sanctions to prevent States from impounding vessels engaged in illegal fishing. Again, could it not be argued that such coercion fell within the scope of "terrorism"?

10. In short, he considered that no distinction should be drawn between terrorism which used violence to attain its ends and terrorism which aimed to deprive peoples of their fundamental right to property and the wealth deriving from its ownership.

11. He also wished to point out that the scope of the terms "alien domination" and "foreign occupation" used in resolution 44/29 was not confined to physical presence in a country's territory: the imposition of foreign laws and ideologies which denied the fundamental rights of the indigenous peoples was no less a form of alien domination.

12. For that reason, an international conference on terrorism should in its deliberations give due emphasis to the struggle both to preserve a people's fundamental rights, as recognized in international law, and to achieve freedom from the shackles of "alien domination", as defined in paragraph 17 of General Assembly resolution 44/29. It should also seek to identify possible causes of confrontation which, if not removed within a reasonable period, could lead disaffected parties to resort to terrorist methods in order to achieve their goals.

13. As to the resolution itself, he noted that the heading seemed to be at variance with the issues raised in the operative paragraphs, and that there was nothing in the latter to amplify the purpose of the conference as defined in the heading. He also noted that paragraph 14 did not state specifically that the conference should be limited to defining the term "terrorism" or to differentiating it from the struggle of peoples for national liberation. For that reason, his delegation believed that open dialogue was needed in order to identify the causes of terrorism so that contentious issues could be resolved in an appropriate and peaceful manner before the parties concerned resorted to terrorist measures.

14. Mr. GOUBAIL (Libyan Arab Jamahiriya) called upon the international community to intensify its efforts to eliminate terrorism. At the same time, he made a distinction between terrorism carried out by States or individuals and the legitimate armed struggle of peoples and liberation movements for self-determination and independence. Regrettably, State terrorism aimed at imposing control and creating political instability and at destroying economic, social and cultural structures was being practised on the unwarranted and flimsy pretext of maintaining international peace and security and protecting human rights in accordance with Article 51 of the United Nations Charter and United Nations resolutions. He questioned the extent to which United Nations resolutions, particularly those concerning the

(Mr. Goubail, Libyan Arab Jamahiriya)

Palestinian people, had succeeded in combating terrorism and punishing its perpetrators. Despite the emerging new world order, the Arab world was still plainly an area of permanent tension and instability where terrorism would never be eliminated unless the legitimacy used as a basis for implementing international change became a concrete reality for all nations and peoples. Such legitimacy did not include the implementation of Security Council resolutions which reflected the views and interests of the controlling States and which could be vetoed by any of the five permanent members. Instead, it should be a legitimacy which was in keeping with international law and the principles of justice and equity corresponding to the realization of the right to self-determination and freedom. It should ensure that the sovereignty of States and their exercise of sovereignty had legitimate bases, and it should prevent the wrongful seizure of an entire homeland, the dispossession and oppression of its people, and the description of them as terrorists. It should prevent the flagrant violation of international law and United Nations resolutions perpetrated by, for example, inflicting terrorism on the Palestinian people, suppressing their uprising in the occupied territories, murdering them and assassinating their leaders. Moreover, the same entity which had committed such acts had also invaded Lebanon in 1982 and still occupied southern Lebanon. It had perpetrated the Sabra and Shatila massacres and was continuing with Jewish immigration into the occupied territories and the construction of settlements there.

15. His country condemned such terrorism and implored the international community to put a stop to it, thereby enabling the Palestinians to attain their legitimate rights. It also condemned all terrorist practices, and had helped to obtain the release of European captives. He proposed that the international community should step up its efforts to fight terrorism by curtailing the following practices: the monopoly over technology and preventing the third world from acquiring such technology; terrorism against an independent State; economic terrorism imposed by means of boycotts or embargoes; the ability of international monetary organizations to freeze assets and block development loans to developing countries unless they complied with economic and political preconditions; the threats posed to small countries by military bases and naval fleets which patrolled the seas in violation of international law; creating instability by way of outside attempts to replace unfavourable regimes; the encouragement of any form of destructive activity directed against another State; waging civil war in another State; attempts by intelligence agencies to bring about political and social changes; and all forms of crime against civil aviation, including the unlawful seizure of aircraft and taking civilian passengers as hostages. His country also advocated disarmament and weapons destruction, notably nuclear and chemical weapons. He called upon Member States to establish a clear yardstick for international legitimacy and to adopt a resolution at the current session of the General Assembly differentiating terrorism from the struggle of peoples for national liberation and self-determination and defining terrorism and measures to combat and prevent it.

16. Mr. OLANDER (Sweden), speaking on behalf of the five Nordic countries, said that, in the struggle against terrorism, the Nordic countries fully supported the principles laid down in resolution 44/29. They unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed. They were, furthermore, convinced that a policy of firmness was required, in accordance with international law, to bring international terrorism in all its forms to an end. To achieve that goal, States should fulfil their obligations under international law and cooperate with each other on a bilateral, regional or multilateral basis.

17. Despite all the efforts made to prevent them, terrorist acts were still being committed in almost every part of the world. While the serious threats that had been issued following Iraq's invasion of Kuwait in August 1990 had not materialized to the extent expected, the economic effects of those threats on international travel and aviation had been very serious. International cooperation, exemplified in the signing at Montreal on 1 March 1991 of the Convention on the Marking of Plastic Explosives for the Purpose of Detection, had been instrumental in countering those threats. The Nordic countries therefore appealed to those States that had not yet done so to become parties to the international Conventions relating to various aspects of international terrorism.

18. The Nordic countries vigorously condemned all acts of hostage-taking and abduction and appealed to the States concerned to use their influence to help secure the immediate and safe release of all hostages. In that connection, he urged the Secretary-General, in fulfilment of the special responsibility that had been entrusted to him, to continue to work towards a successful solution to the problem.

19. The Nordic countries were not in favour of the convening, under the auspices of the United Nations, of an international conference, to define terrorism and to differentiate it from the struggle of peoples for national liberation, since, in their view, it would be impossible to find a legal definition of terrorism that would serve any useful purpose. The members of the international community should nevertheless continue to work together to eliminate the causes of terrorism. A solution to the conflict in the Middle East, for example, which took into account the interests and legitimate rights of all the parties concerned would greatly contribute to the achievement of that goal.

20. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the Soviet Union wholeheartedly condemned terrorism, which continued to be an acute problem, not only for individual countries, but also for regions, and indeed threatened the interests of the international community as a whole.

(Mr. Ordzhonikidze, USSR)

21. A major landmark in the endeavour to bring about a climate of more resolute rejection of terrorism was the adoption by the General Assembly of its resolution 44/29. There was no doubt that the United Nations could greatly enhance the effectiveness of its action in that field by concentrating on the need to strengthen cooperation between Member States; by developing new norms and obligations under international law in matters relating to terrorism; by coordinating the activities of the specialized agencies; by interacting with the appropriate regional organizations and structures; and by helping States to resolve crisis situations resulting from terrorist acts. Such initiatives would require a corresponding mobilization of efforts by the General Assembly and the Security Council, and enhancement of the role of the Secretary-General.

22. In particular, the General Assembly might, taking its earlier decisions as a basis, draft a declaration unreservedly condemning terrorism and other acts of politically-motivated violence which threatened innocent people. It might also consider the possibility of drafting a new international instrument aimed at preventing, curtailing and removing the consequences of terrorist acts involving nuclear weapons or nuclear materials. At the recommendation of the General Assembly, the Security Council could establish a working group to study the legal and technical aspects of the matter, and the International Atomic Energy Agency (IAEA) could make an expert appraisal of its findings. In addition, there should be further study of the proposal for the preparation of an international document to regulate measures involving physical safeguards for chemical and biological materials, in order to prevent terrorism resulting in mass destruction.

23. Terrorism was linked to other forms of transfrontier crime, including illicit trafficking in drugs: for that reason it was essential to ensure coordination within the United Nations between narcotics control programmes and programmes concerned with terrorism, and also coordination with specialized agencies such as the International Maritime Organization (IMO), the Universal Postal Union, the World Tourism Organization and IAEA. The United Nations Educational, Scientific and Cultural Organization should consider the possibility of drafting a declaration on the role of the mass media in the struggle against terrorism; such a declaration would serve both to enhance public awareness and to reinforce the concept of the inadmissibility of using the mass media for terrorist purposes.

24. In conjunction with the specialized agencies the United Nations could usefully carry out a periodic survey of the status of implementation of the relevant international conventions, which would include information on incidents provoked by terrorist acts, the procedures followed in their criminal prosecution, and the sentences imposed. The specialized agencies should also endeavour to disseminate national experience in opposing terrorism, by means of seminars, training courses, comparative studies and the provision of technical assistance. In the long term there should be cooperation with regional organizations, but that was as yet only at the

(Mr. Ordzhonikidze, USSR)

initial stage. Close links with the International Criminal Police Organization (INTERPOL) should also be encouraged and would result in a significant saving of resources.

25. In order to help the Secretary-General play a more effective role in preventing terrorism, a special unit should be set up within the Secretariat, staffed by specialists in the political, legal and technical aspects of organizing international cooperation in that field.

26. All such measures would, of course, only be effective if States themselves took practical steps to combat terrorism.

27. The Soviet Union was a party to all the universal treaties currently in force and was participating in the preparation of new antiterrorist agreements. At the European level it had proposed the holding of a meeting of experts from the States participating in the Conference on Security and Cooperation in Europe to discuss problems of terrorism. It was also in favour of establishing working contacts with the relevant bodies of the European community, and had participated actively in a meeting for countries of the Western Pacific, held at Tokyo in March 1991 under the auspices of IMO, to discuss the prevention of unlawful acts against the passengers and crews of ships.

28. At the bilateral level, the Soviet Union was strengthening its cooperation with a broad range of countries, most recently with the United States in connection with the establishment of crisis-management machinery to safeguard civil aviation operating between the two countries from terrorist and related criminal attacks. In accordance with recommendations of the International Civil Aviation Organization, the bilateral agreements on air communications with, inter alia, Spain, the United Kingdom and the United States had been supplemented by articles on antiterrorist security.

29. In the Soviet Union itself, new criminal legislation on the taking of hostages, illegal acts involving radioactive materials, and attacks on transport communications had been introduced since 1987. Lastly, the Soviet Union was nearing the end of the process of ratifying the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. It was intended that ratification should coincide with the adoption of appropriate domestic legislation.

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/46/33 and Corr.1)

30. Mr. KOLOMA (Mozambique) said that he wished to correct a misrepresentation of a statement he had made at the Sixth Committee's 11th meeting on 8 October 1991. In connection with the need to enhance cooperation between the United Nations and regional organizations in the task of maintaining international peace and security, he had said that the working paper presented by the Soviet Union, set out in the report of the Special Committee (A/46/33, para. 46), deserved the attention of the Special Committee. The relevant press release issued by the Department of Public Information on 8 October 1991 (GA/L/2700) had reported him as saying that "the working paper presented by the United Nations on the role of regional organizations deserved attention".

The meeting rose at 11.50 a.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
14th meeting
held on
Tuesday, 15 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mr. AFONSO (Mozambique)

later: Mr. TETU (Canada)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-56552 3949S (E)

Distr. GENERAL
A/C.6/46/SR.14
18 October 1991

ORIGINAL: ENGLISH

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1 and 2)

1. Mr. ELTCHENKO (Ukraine) said that his country regarded terrorism as an amoral phenomenon, contrary to law, which posed a lethal threat to the lives of innocent people, disrupted the diplomatic activity of States and their representatives, and destabilized international relations. His delegation believed that effective measures could be found to prevent terrorism, on the basis of active cooperation between States and respect for the generally recognized norms and principles of international law and compliance with the Charter of the United Nations.

2. The accession of the greatest possible number of States to the relevant international conventions was also an important factor in the struggle against terrorism. Ukraine, which was a party to most of the conventions in question, was currently preparing to ratify a number of the more recent instruments in that field. Their provisions would be duly reflected in the legislation to be promulgated in Ukraine following the country's declaration of independence on 24 August 1991, which stated that only the Constitution and the laws of the Republic would have effect in its territory.

3. As an active member of the Ad Hoc Committee on International Terrorism, Ukraine had participated in drafting recommendations aimed at the prevention and suppression of all forms of terrorism and the prosecution of persons committing such crimes. The recommendations of the Ad Hoc Committee had been incorporated in a number of General Assembly resolutions, most recently resolution 44/29, which was intended to promote cooperation between States in the struggle against terrorism.

4. One of the most dangerous forms of terrorism was hostage-taking, which could never be justified. His delegation called for the unconditional release of all hostages, whoever they might be and wherever they might be held. He could not fail to point out in that connection that a number of Ukrainians were still detained virtually as hostages by the armed opposition in Afghanistan, to be bartered in exchange for the settlement of political

(Mr. Eltchenko, Ukraine)

claims. On behalf of the families of the detainees, and on behalf of the Ukrainian Government, he appealed to all those who might have influence, or could help, to try to secure their release.

5. Welcoming the fact that international solidarity against terrorism had withstood the test of the Gulf war, and that recent years had seen a growing consensus on the unacceptability of terrorism, he none the less regretted that cooperation between States in the struggle to eliminate terrorism was still inadequate, and that the unique potential of the United Nations in that regard had yet to be fully exploited. His delegation believed that the Secretary-General, taking into account the views of Member States, should consider establishing a special unit within the Secretariat to study problems relating to international terrorism, and that the International Civil Aviation Organization (ICAO) could set up a permanent centre to organize inter-State cooperation to combat unlawful interference in civil aviation. A comparable centre could be established by the International Maritime Organization (IMO) for shipping.

6. The Sixth Committee should review the item on an annual basis, and consideration could be given to renewing the mandate of the Ad Hoc Committee on International Terrorism. He pledged his newly independent country's support for constructive international efforts to eradicate the problem.

7. Mr. KABIR (Bangladesh) noted that since terrorism had gained in strength and broadened its scope in recent years, effective international cooperation was essential in order to combat it. Bangladesh called on all States to observe their obligations under the relevant international conventions and urged the international community to work to eliminate the underlying causes of international terrorism, such as racism, alien domination and foreign occupation.

8. His delegation supported the principles for the elimination of terrorism laid down by the General Assembly at its forty-fourth session. He welcomed the efforts of ICAO to achieve universal acceptance of, and strict compliance with, international air-security conventions, and also the work of IMO relating to terrorism on board or against ships or fixed platforms located on the continental shelf. He also welcomed the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991. Those were all important contributions, and he hoped that the relevant specialized agencies would continue their efforts to develop principles that could lead to the progressive elimination of international terrorism.

9. Regional initiatives could be very helpful, such as that of the South Asian Association for Regional Cooperation (SAARC), which had concluded a convention on the suppression of terrorism that obliged States to extradite suspected perpetrators. It would be consistent with the role of the United Nations to coordinate the antiterrorist efforts of the various regional agencies.

(Mr. Kabir, Bangladesh)

10. Even while condemning terrorism, States could not ignore its underlying causes. Where poverty existed side by side with conspicuous consumption it was understandable that despair, frustration, and indignation should arise, especially among young people, and make them easy prey for the instigators of terrorism. There was a need to seek to solve such problems and to have compassion for the innocent tools of terrorism.

11. Mr. HALLAK (Syrian Arab Republic), having reviewed the relevant resolutions, said that the recommendation made by the Ad Hoc Committee on International Terrorism, in its report to the General Assembly at its thirty-fourth session (A/34/37), that the General Assembly and the Security Council should pay special attention to all situations that might give rise to international terrorism remained a precondition if the problem was to be tackled constructively. The failure to respect United Nations resolutions and international charters and the double standards applied by variously describing terrorism as a crime in some instances and in others as part of the struggle for human rights and self-determination, aroused suspicion as to the credibility of the positions declared on terrorism. Legal measures were inadequate unless coupled with action to eliminate the inherent causes of terrorism, which included recognizing the legitimate rights of the Palestinian people, ending the Israeli occupation of Arab territories and supporting the freedom struggles of those suffering under the imperialist yoke.

12. His delegation, which reaffirmed its support for General Assembly resolution 44/29, believed that the Ad Hoc Committee on International Terrorism should resume its work.

13. Mr. TOMKA (Czechoslovakia) said that his Government unequivocally condemned terrorism and believed that nothing could justify terrorist acts. Czechoslovakia's position, reflected in concrete measures it had taken both nationally and internationally, was that States should cooperate in their struggle against terrorism, which endangered the life, health, property and safety of innocent people.

14. Czechoslovakia was a party to all conventions on the safety of international civil aviation and, since the forty-fourth session of the General Assembly, had withdrawn its reservations relating to their provisions on the peaceful settlement of disputes and, in particular, the compulsory jurisdiction of the International Court of Justice.

15. His country, together with the United Kingdom, had been responsible for the initiative against the abuse of plastic explosives for terroristic ends, which had led to the adoption of the Convention on the Marking of Plastic Explosives for the Purpose of Detection. He was pleased to inform the Sixth Committee that all plastic explosives manufactured in Czechoslovakia were now marked as specified in the Convention, which Czechoslovakia had signed and which it would undoubtedly soon ratify.

(Mr. Tomka, Czechoslovakia)

16. His country had become a party to conventions aimed at combating international terrorism in other areas, such as crimes against internationally protected persons, the taking of hostages and the physical protection of nuclear materials.

17. The fact that Czechoslovakia had signed but not yet ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms was simply the result of a very heavy workload in the Federal Parliament during the current period of profound social transformation.

18. On the issue of the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation, his delegation had serious doubts as to whether a generally acceptable definition of terrorism could be worked out at such a conference, as discussions on such a definition were likely to be highly politicized.

19. Mr. YENGEJEH (Islamic Republic of Iran) said that the fact that international terrorism had remained on the agenda of the General Assembly for so long demonstrated that the measures adopted so far had not been sufficient to eliminate it. The international community needed to take a fresh look at terrorism, which was one of the most complex issues that it faced and which continued to threaten international peace and security. The adoption of General Assembly resolution 44/29 without a vote had been an encouraging sign of the willingness of the international community to cooperate in the effort to eliminate terrorism. Such efforts, however, should maintain a balance between the adoption of enforcement measures against international terrorism and attention to its underlying causes. Over the previous two decades, the international community had concentrated on strengthening enforcement measures. A number of conventions had been adopted during that period to combat specific acts of a violent nature. The efforts of IMO and ICAO in that connection were commendable. The existing conventions, however, merely dealt with the outlawing of certain acts and, owing to political considerations, no serious, institutional attempt had so far been made by the United Nations to study international terrorism as a general phenomenon and its underlying causes.

20. Over the previous two decades, international terrorism had taken on a new dimension. Certain States had carried out large-scale terrorist activities, using modern means for purposes of domination or interference in the internal affairs of other States. The international community should now focus more attention on the phenomenon of State terrorism.

21. The Islamic Republic of Iran hoped that during the United Nations Decade of International Law the foundation would be laid for the rule of law in international relations. The rule of law could not prevail, however, unless clear rules governing the various aspects of international relations were

(Mr. Yengejeh, Islamic Republic of Iran)

prepared. It was therefore time for the Sixth Committee to embark on an effort to define international terrorism. Once agreement had been reached on a definition, the Committee would be in a position to decide how it should proceed with regard to the progressive development and codification of international law on the subject. In that connection, the proposal to convene an international conference to define terrorism deserved careful study. The right of peoples to struggle for liberation from colonialism, racism or foreign occupation had become firmly established in international law. In order to prevent any misunderstandings and misinterpretations, it was necessary to define international terrorism and to differentiate it from the struggles of national liberation movements.

22. The Islamic Republic of Iran had not been immune to the adverse effects of terrorist activities and shared the increasing concern of the international community at acts of terrorism perpetrated by individuals, groups, and States, which affected the lives of innocent civilians and caused irreparable material damage and moral anguish. Like other peace-loving members of the international community, his country had taken steps to combat international terrorism, including the ratification and domestic application of a number of the conventions referred to in the annex to the Secretary-General's report (A/46/346), and would spare no effort in cooperating with other peace-loving States for the final elimination of international terrorism.

23. Mr. KALPAGE (Sri Lanka) said that, while the specific threat posed by the phenomenon of international terrorism might vary from State to State and in nature, extent and severity, the common element was the toll exacted in terms of human lives by the systematic use of the tactics of shock, physical intimidation and terror by individuals or groups seeking to enforce objectives not acceptable to the generality of the society or nation on which their tactics were inflicted.

24. It was, of course, important to draw a clear distinction between the vicious efforts of terrorist groups and the legitimate struggle against colonial, racist or foreign rule waged by the national liberation movements recognized by the Movement of Non-Aligned Countries and the United Nations.

25. His delegation welcomed the proposals made at the forty-fourth session of the General Assembly on enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and in particular those contained in General Assembly resolution 44/29. Paragraph 4 of that resolution was of special importance.

26. He welcomed the inclusion in the Secretary-General's report (A/46/346) of the extensive and detailed annex on the status of the eight conventions and two protocols on the prevention of terrorism.

27. However important and beneficial a role the United Nations might play at the international level, the predominant responsibility for preventive measures lay with the institutions, both governmental and non-governmental, in

(Mr. Kalpage, Sri Lanka)

each country. National legislative, executive and judicial bodies, educational and religious institutions and the media all had an important role to play in achieving the desired goals. Sri Lanka was a party to the conventions on offences against aircraft, and had recently acceded to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. His Government was also considering the possibility of early accession to other conventions on specific aspects of terrorism. It had signed the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and the domestic legislation to enable Sri Lanka to ratify the Montreal Protocol was currently in preparation.

28. Manifestations of terrorism which involved an external factor or the presence of a foreign element posed a grave threat to the security and stability of States, particularly small States. International cooperation should therefore specifically focus on preventing: the organization, instigation and assisting of terrorist acts from foreign territories directed at third States; the committing of terrorist acts within one State and the seeking of a safe haven within a foreign State; and the condoning of activities, including fundraising and the provision of arms and training, which had the effect of sustaining or encouraging terrorism in other States. Those aspects of international terrorism could be effectively countered if States adhered strictly to their obligations under international law, particularly by denying a safe haven in their territory to terrorists and ensuring the apprehension and prosecution or extradition of the perpetrators of terrorist acts.

29. His delegation looked forward to, and would wholeheartedly support, the adoption during the current session of the General Assembly of a comprehensive resolution on the item under consideration.

30. Mr. ADOUKI (Congo) said that his country was one of those which had experienced terrorism at first hand on a massive scale. In September 1989, for example, a passenger aircraft belonging to the airline Union de transports aériens had exploded on a flight from Brazzaville to Paris, killing 49 Congolese citizens. To commemorate the disaster, the Government had designated 19 May as a "Day of Struggle against Terrorism", and had introduced a series of measures to strengthen the country's antiterrorist legislation. The Congo had also acceded to a number of relevant conventions and had supported General Assembly resolution 44/29, which unequivocally condemned all acts, methods and practices of terrorism.

31. The Congo had not wavered in its endeavours to eliminate terrorism, and accordingly welcomed the progress achieved in the freeing of hostages recently and the positive role played by the Secretary-General in that connection. It fully endorsed appeals for the immediate and unconditional release of all the remaining hostages.

(Mr. Adouki, Congo)

32. Although terrorism was to be condemned in all its forms, it must be distinguished from the democratic and universally recognized principle of the self-determination of peoples. There was a danger, however, that the proposed international conference on terrorism would find itself brought to a standstill by the problem of defining what constituted the legitimate struggle of peoples for national liberation, despite the favourable climate engendered by the end of the cold war. At the same time, gradual progress was being made towards a more balanced assessment of the underlying causes of terrorism, and a number of important international conventions had been adopted with the aim of eradicating the problem. In his delegation's view, such instruments, painstakingly drafted and negotiated, represented a pragmatic and realistic approach in the collective struggle against terrorism and could provide the basis for a successful outcome to that struggle.

33. Mr. Têtu (Canada), Vice-Chairman, took the Chair.

34. Mr. FSADNI (Malta) said that his Government had repeatedly and unequivocally condemned all acts, methods and practices of terrorism. Terrorism was murder of innocent people and a cowardly act, and no civilized society could accept it or protect its perpetrators. There was no total protection against terrorism and all members of society should therefore be united in their implacable rejection of it.

35. The accession of Malta to several of the international conventions designed to combat terrorism and its intention to become a party to the Convention on the Marking of Plastic Explosives for the Purpose of Detection reflected its belief that international cooperation was essential in preventing terrorism.

36. In order for the proposed international conference to make a meaningful contribution to the evolution of international solidarity against terrorism, a consensus on its convening was essential. So far, a considerable number of delegations had expressed opposition to the conference, and the decision on its convening therefore required further deliberation.

37. His delegation believed that the international community needed to study in greater depth the underlying causes of terrorism. In view of the complex political, social and economic nature of those causes, however, the Sixth Committee might not be the most appropriate forum for their study. Nevertheless, the choice of a forum should not delay the study since an attempt to address the issues raised could significantly strengthen the fight against international terrorism.

38. His delegation wished to express its appreciation to the Secretary-General for facilitating the release of hostages, and also to encourage him to pursue his efforts. Lastly, Malta would welcome the unanimous adoption, at the current session of the General Assembly, of a resolution based on the principles set out in resolution 44/29.

39. Mr. RODRIGUEZ (Colombia) said that the international community had made considerable progress in dealing with terrorism, one of the most serious problems faced by the world as it approached the end of the twentieth century. Many international instruments had been elaborated to combat specific aspects of terrorism. Moreover, the view that terrorism must be countered with concrete measures designed to prevent and punish some of its specific aspects that were relatively easy to identify had, rightly, prevailed over the view that a legal definition of terrorism must be drawn up, so as to set general standards for combating it. Other aspects of terrorist activities would need to be dealt with in the future, as terrorism was still a serious threat both to the internal stability of States and to the international order.

40. His delegation welcomed the change that had taken place in the past few years in the international community's perception and treatment of the problem. That change was reflected, in particular, in two important developments.

41. The first development was the growing acceptance of the idea that there was normally no such thing as terrorist activities that were confined within the borders of a single State; one or more factors - the objective causes, the motivations, the human and economic resources employed or the political and social implications - invariably extended beyond the State directly affected. In some instances arms or explosives were imported, mercenaries were hired, terrorists were trained abroad, or perpetrators tried through the protection or complicity of foreign authorities to avoid being brought to justice. Furthermore, in some cases, of course, terrorist acts in one country were planned, encouraged and organized from outside that country.

42. As long as the international community had not come to see terrorist acts as crimes against humanity, as one day it must, and since defining terrorism presented such difficulties, clear and explicit recognition of the international nature of terrorist activities was essential if terrorism was to be combated effectively. Such recognition would enable the international community to make gradual progress in dealing with specific manifestations and the various aspects of terrorism.

43. The second important development was that terrorist acts were coming to be seen as human rights violations. He would not claim to be able to settle the issue of whether only States could have rights and obligations under international law. It was indisputable, however, that actions by the citizens of a State could, and must, be regarded as human rights violations when they involved cruelty, indiscriminateness and harm to innocent people or, possibly, when they were directed against collectively used property and services. There was a grey area between the rules of humanitarian law, whose scope was expanding, and the more traditional concept of human rights, which had so far tended to exclude the conduct of individuals from regimes for the promotion and protection of human rights.

(Mr. Rodriguez, Colombia)

44. In two recent resolutions, the Commission on Human Rights deemed terrorist acts to be human rights violations and recommended that the competent United Nations organs, as well as rapporteurs and independent experts, should take into account terrorist acts by individuals against the State and against collective interests in evaluating the responsibility of States.

45. Unequivocal condemnation of terrorist activities was particularly important for democratic countries, which were committed to defending the rule of law, and human rights and fundamental freedoms. That was true of Colombia, for instance, which was besieged by clearly terrorist phenomena, consisting in a combination of subversive groups, drug traffickers and common criminals. Like other countries at a similar stage of development whose institutions were threatened by forces that were able to defy the authorities with impunity, Colombia would like to see the international community strengthen its mechanisms for combating terrorism and increase its cooperation with a view to preventing and punishing it.

46. His delegation therefore welcomed the General Assembly's various resolutions on international terrorism, particularly resolution 44/29. He stressed as well the importance of the various instruments dealing with specific aspects of international terrorism, to which more and more States were acceding. He wished to place special emphasis on the international air-security conventions, in that connection.

47. His delegation would like to single out four issues that deserved priority attention from the international community and should be placed on the agenda of the United Nations as a matter of urgency.

48. Firstly, it was indispensable to strengthen agreements on international cooperation in the exchange of information concerning terrorist acts and their perpetrators, as well as cooperation between judicial and intelligence authorities. There must be no safe haven either for terrorists or for their economic resources. There had been some progress in international cooperation but more was needed to fight moneylaundering, for instance, which was continuing on a large scale and was met with unconcern by many countries.

49. Secondly, the global strategy for the suppression of illicit trafficking in drugs left much to be desired. The promise of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances had not been fully kept, the necessary resources were still lacking and many countries' political will to combat drug abuse was still not proportionate to the magnitude of the problem.

50. Thirdly, there was an urgent need for decisive action by the international community against the arms trade, which gave drug traffickers and terrorists easy and cheap access to the tools they needed for their activities. The Convention on the Marking of Plastic Explosives for the

(Mr. Rodriguez, Colombia)

Purpose of Detection did constitute progress, but for many years his delegation had stressed the need to rein in the arms trade and had met with a lukewarm response. He trusted that meaningful agreements could be reached in that regard in the future.

51. All States must fully respect the legitimate concern of countries that were a prey to terrorist activities that they should avoid any complicity with terrorists, whether in the form of training, funding or protection for perpetrators of terrorist acts. Moreover, mercenarism must be controlled effectively, and all States must also find and punish the perpetrators of terrorist acts promptly and effectively.

52. The Secretary-General must continue to solicit the views of Governments and intergovernmental organizations on international terrorism so as to be able to continue to review new options and possibilities for combating it. Furthermore the condemnation contained in resolution 44/29 must be reaffirmed, and the appeals made in that resolution should be renewed, taking into account the need to pursue vigorously matters dealt with inadequately so far. Thus, the groundwork could be laid for the proposed international conference. The preparatory process leading up to such a conference remained uncompleted, however.

53. Mrs. FLORES (Uruguay) said that her country strongly condemned terrorism in all its forms. Terrorism was closely linked to drug trafficking, mercenary activities and the arms trade, thereby constituting a threat to international peace and security and to the internal constitutional order of States. International cooperation between agencies responsible for coordinating the struggle against terrorism should be intensified, particularly in the area of the exchange of information through the establishment of data banks. Her delegation welcomed the suggestion to establish a body for the investigation of terrorist acts or a United Nations centre to work in that area.

54. The effective application of universally recognized principles and norms required not only that States should accede to the relevant international instruments but also that they should standardize their domestic laws.

55. Uruguay had no objection to the convening of an international conference to define terrorism and to study its underlying causes. However, until a consensus on such a conference was achieved, specific measures should be adopted to consolidate those areas on which agreement already existed, thereby contributing to the gradual elaboration of an instrument that would be acceptable to all members of the international community.

56. Mr. RODRIGUEZ (Venezuela) said that his country had always condemned terrorism in all its forms and had participated in the elaboration of a number of international instruments on the subject. Terrorism, whatever its underlying causes, violated not only positive law but also natural law, which protected the right to life. Despite all the efforts made by States and

(Mr. Rodriguez, Venezuela)

international organizations to combat terrorism, which endangered the stability and integrity of States, it continued to ravage society. It was therefore essential to strengthen cooperation between States and to adopt additional measures as a matter of urgency, including a halt to both legal and illegal arms sales and to the training and use of mercenaries. Venezuela supported efforts to elaborate legal norms and principles to combat terrorism and, in that connection, believed that the reactivation of the Ad Hoc Committee on International Terrorism would contribute to those efforts.

57. Venezuela reaffirmed the inalienable right of peoples to self-determination and defended the legitimacy of the struggle of all peoples under colonial rule for independence, in conformity with the United Nations Charter, and the norms of international law. Despite the efforts made, agreement had not yet been reached on fundamental aspects of a definition of terrorism, which was vital in order to draw a distinction between terrorist acts and the legitimate struggle of peoples under colonial rule for independence. A postponement of the proposed international conference might therefore contribute eventually to its ultimate objective, which was to define terrorism and to differentiate it from the struggle of peoples for national liberation.

58. Mr. SECHELE (Botswana) said that his country unequivocally condemned all terrorist acts whether committed by individuals or States. While terrorism endangered innocent human lives and could not be justified, it had often been interpreted subjectively, particularly by colonial regimes, as including wars of liberation. Several legitimate organizations had thus been labelled terrorist organizations. It would be impossible to eradicate terrorism until the international community as a whole agreed on a definition that was devoid of subjective interests. In that connection, Botswana welcomed proposals for the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. Terrorists took advantage of the failure of certain States to comply with the instruments designed to thwart terrorism and of the absence of an objective and comprehensive definition of terrorism. His delegation was convinced that only the full cooperation of all concerned and a redoubling of international efforts could ensure success in the war against terrorism.

The meeting rose at 12 noon

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
15th meeting
held on
Wednesday, 16 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 15th MEETING

Chairman:	Mr. AFONSO	(Mozambique)
later:	Mr. TETU (Vice-Chairman)	(Canada)
later:	Mr. AFONSO (Chairman)	(Mozambique)

CONTENTS

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued)

ORGANIZATION OF WORK

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-56588 3964S (E)

Distr. GENERAL
A/C.6/46/SR.15
21 October 1991

ORIGINAL: ENGLISH

/...

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1 and 2)

1. Mr. JIN Yongjian (China) said that resolutions adopted by the General Assembly since its fortieth session and the draft Code of Crimes against the Peace and Security of Mankind, adopted by the International Law Commission on first reading at its most recent session, had defined international terrorism as a punishable offence, and had fully demonstrated the determination of the international community to combat and suppress a phenomenon which not only harmed innocent lives and threatened normal international contacts and inter-State relations, but also endangered world peace, security and stability. Despite recent changes in the international situation, the struggle against international terrorism was still an important and arduous task confronting the world community.

2. His country had strongly and consistently condemned international terrorist practices, including the use of terrorism for political ends. China, which was party to most of the international conventions against terrorism, had ratified, in June 1991, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. It had strictly fulfilled its obligations under the relevant conventions, and had taken legislative measures to punish crimes of international terrorism under its domestic laws. It would continue to support and actively participate in all the efforts of the United Nations and other international organizations to combat such terrorism.

3. In that endeavour, the following aspects must be taken into consideration: all countries should resolutely oppose any form of international terrorism and should adopt tangible and effective measures to prevent such acts in their territories; all acts of terrorism, wherever and by whomever committed, were international crimes and should be punished severely by all countries in accordance with international law and their domestic law; in extending and strengthening cooperation, full play should be given to the role of existing international mechanisms and to the principle that terrorists should be either prosecuted or extradited, and to the need for active

(Mr. Jin Yongjian, China)

information exchange and judicial assistance; the struggle against international terrorism should be based on strict adherence to the norms of international law; acts of international terrorism should be clearly differentiated from struggles of national liberation movements; and the international community should carry out an in-depth study on the political, historical and social causes of the emergence of international terrorism, focusing on the establishment of a just and reasonable new international order and the creation of conditions favourable to peace and development.

4. With regard to the convening, under the auspices of the United Nations, of an international conference on terrorism, the discussion during the current session of the General Assembly had shown that the views of countries were still divergent. The Committee should therefore make a further effort to explore appropriate ways of resolving that question.

5. Mr. VOICU (Romania) said that his country deeply deplored the loss of human life resulting from acts of international terrorism, wherever and by whomever committed, and their harmful impact on relations between States. It consistently supported the resolutions adopted by the General Assembly in that connection, and was a party to many of the relevant international conventions, as could be seen from the annex to the Secretary-General's report (A/46/346). In addition, Romania was carrying out the necessary domestic formalities for the ratification of other international legal instruments relating to various aspects of terrorism, and had been one of the sponsors of General Assembly resolution 45/39 entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

6. Romania fully shared the opinion expressed in the Sixth Committee that all States should fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in or encouraging activities within their territory directed towards the commission of such acts. It also believed that special attention should be devoted to the growing and pernicious link between terrorist groups and drug trafficking, and also to violent attempts to destabilize legitimately constituted Governments. Terrorist acts could never constitute a valid form of political struggle. His delegation reaffirmed its support for General Assembly resolution 44/29, and joined in the appeal made in the Sixth Committee for the immediate release of all hostages and abducted persons.

7. Recent dramatic events had shown that current international cooperation with respect to counter-terrorist measures should be strengthened, and his delegation shared the view that a more coordinated response on the part of the international community was necessary to eradicate international terrorism. In that context, he could not neglect to mention that a Romanian citizen, his country's chargé d'affaires in New Delhi, had recently been kidnapped as the result of a terrorist act. The Romanian Ministry of Foreign Affairs has taken

(Mr. Voicu, Romania)

note of the information circulated by some press agencies to the effect that responsibility for the kidnapping had been claimed by a number of organizations in India. According to the same sources, the release of the chargé d'affaires would be subject to the release of some Indian citizens imprisoned in India or to the release of two Indian Sikhs arrested in Bucharest as a consequence of their attempt on the life of the Indian Ambassador to Romania. The Ministry of Foreign Affairs of Romania had stated that the Romanian authorities had not been contacted in any way by the kidnappers and that it was unable to confirm the demands referred to by the press agencies. It was deeply concerned by the situation, and the Indian authorities had been requested to do whatever they could to ensure the immediate release of the Romanian diplomat. It hoped that the request would elicit due understanding and support from the international community.

8. The Sixth Committee could play an important role in strengthening international cooperation against terrorism, and his delegation would support the preparation and adoption of a resolution which could lead to greater coordination of efforts to combat terrorism.

9. Mr. Têtu (Canada), Vice-Chairman, took the Chair.

10. Miss BOUM (Cameroon) said that her Government supported the efforts of the United Nations to deal with the problem of international terrorism, although it recognized that a generally acceptable definition of the phenomenon or an international convention containing a list of all acts which might be universally regarded as terrorist acts were still a long way off. None the less, significant progress had been made, notably in General Assembly resolutions adopted since the fortieth session and in the various international instruments concluded under the auspices of the United Nations and its specialized agencies.

11. As indicated in the annex to document A/46/346, Cameroon had ratified most of those instruments, and her Government intended to continue its policy of integrating their provisions into Cameroon's domestic laws.

12. Terrorism not only claimed innocent victims but also constituted a serious threat to international peace and security. The new international climate seemed to offer a favourable opportunity for a discussion of the principles on which the struggle against terrorism should be based and of the coordination of international cooperation in that endeavour.

13. Mrs. BANKOBEZA (United Republic of Tanzania) said that all States had an obligation to prevent terrorist acts and to punish the culprits, which called for both bilateral arrangements and cooperation in complying with the international legal instruments concerned. Bilateral arrangements should facilitate the transmittal of proceedings from one State to another, the enforcement of foreign penal judgements, and the execution of sentences and taking of testimony abroad. They could also include the collection of

(Mrs. Bankobeza, Tanzania)

evidence from one State on behalf of another State and its transmittal to the latter State. Habitual offenders and persons suspected of terrorist acts should be traced to the extent possible and their records maintained in every State.

14. Among the measures taken at the international level to combat terrorism, special mention should be made of General Assembly resolution 44/29, which offered a good summary of the initiatives required, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

15. Her delegation supported the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. Before such a conference was convened, the underlying causes of terrorism and acts of violence must be studied. The heading of General Assembly resolution 44/29 acknowledged the need for such a study, but such a study was not mentioned in the operative paragraphs of the resolution: the General Assembly merely requested the Secretary-General to seek the views of Member States on ways and means of combating terrorism. Her delegation hoped that agreement could be reached at the current session on how such a study could be undertaken. The body responsible for undertaking the study should also be charged with the task of finding a definition of terrorism which would differentiate it from the struggle of peoples for national liberation. Such a body could be established by means of the reactivation of the Ad Hoc Committee on International Terrorism, or by means of the establishment of a working group within the Sixth Committee. She therefore thought that at the current stage it would be premature to convene the proposed international conference, which should take place when the requisite definition had been agreed.

16. Mr. VILLAGRAN KRAMER (Guatemala) said that the task before the Sixth Committee was to consider ways and means of preventing international terrorism and to analyse its underlying causes. In that connection, the Committee should bear in mind the distinction between terrorism and the methods used by peoples struggling for national liberation.

17. Terrorist acts were carried out by groups with varying motivations. In some cases, the motives were primarily political, while in other cases, such acts were related to ordinary offences, such as illicit drug trafficking, or to State terrorism, which had been increasingly prevalent in recent years.

18. Taking into account those distinctions, his delegation shared the view that terrorist acts could be characterized as international crimes. At the same time, most delegations seemed to agree that terrorism was not a political crime and that the perpetrators of terrorist acts were therefore subject to extradition. He expressed appreciation for the contribution made by the Colombian Government in pointing out the close connection between international terrorism and illicit drug trafficking.

(Mr. Villagran Kramer, Guatemala)

19. The phenomenon of international terrorism showed that the commission of certain acts in a given society could have an impact on other societies. It was therefore important to examine the underlying internal causes. The media played an important role in giving terrorists public recognition and thus involuntarily encouraging the spread of terrorism. Moreover, terrorist acts affected developing and developed countries alike.

20. As pointed out by Chile (A/46/346), the need to combat international terrorism should not induce any society to use unlawful means; rather, due process must be ensured and human rights must be protected.

21. His delegation had doubts as to the advisability of convening an international conference on terrorism and believed that the exchange of views should continue in the Sixth Committee

22. With regard to the distinction between terrorism and national liberation struggles, his delegation did not wish to give protection to terrorism in the guise of national liberation movements.

23. Mr. BENTAJA (Morocco), reaffirming the importance which his country attached to combating and eliminating terrorism, said that terrorism was to be condemned in all its forms, particularly since it conflicted with the values of Islam, which advocated peace and abhorred the destruction of any form of life. Islam did not regard terrorism as a legitimate means to an end, at the expense of innocent lives, and terrorism was therefore duly characterized as an offence and punished under Moroccan law. Morocco welcomed all resolutions on terrorism and was currently taking steps to become a party to conventions on terrorism in addition to those which it had already signed.

24. Since it would be extremely difficult to achieve a universally agreed definition of terrorism, the international community should formulate a new approach to terrorism more in line with the recent changes worldwide; unless each individual terrorist act was characterized at the outset, an overall theoretical framework could not be envisaged. Moreover, if narrow political, regional and ideological considerations were to be bypassed, the sectoral approach within the context of the specialized agencies must be reinforced; agreements concluded under the auspices of the specialized agencies would constitute a gradual but effective contribution to the definition of terrorism. Individual countries should also tighten up their domestic legislation to punish terrorism in accordance with the relevant international agreements. Moreover, they should accede without delay to agreements on terrorism and engage in bilateral and regional cooperation in order to combat the phenomenon, including placing heavy restrictions on the sale of arms and preventing the acquisition of arms by terrorist organizations.

25. In the field of international cooperation, Morocco had been participating actively since 1988 in the effort to define terrorism, and if the work in question continued at the level of States and international organizations a

(Mr. Bentaja, Morocco)

more precise definition of terrorism could ultimately be formulated. His delegation saw no objection to convening an international conference based on a sound legal footing and an objective analysis of the underlying causes of terrorism. Constructive dialogue could then be achieved, leading to a successful definition of terrorism and an effective strategy for its elimination.

26. Morocco proposed that the Secretariat should catalogue all national laws and unregistered bilateral and international agreements on terrorism in order to form a data bank to provide assistance in the study of the existing legal framework and in the formulation of an approach which could pave the way for a productive conference.

27. Mr. GÜNEY (Turkey) said that the problem of terrorism had grown worse in the two years that had elapsed since the discussion of the issue of international terrorism at the forty-fourth session of the General Assembly. In those two years, terrorist acts had been perpetrated against Turkish diplomats, diplomatic and consular missions, citizens and institutions, both in Turkey and abroad. These and other events had made it clear that no country or region in the world was immune from terrorism; that terrorists were using new technology and expanding and reorganizing their activities; that a proliferation of alliances between terrorist groups and drug traffickers had exacerbated the problem; that terrorists had easy access to modern weaponry owing to a competitive arms trade, with the result that more and more innocent victims were suffering and enormous material damage was being wreaked; and that the media were giving terrorists immediate publicity that only played into their hands.

28. The Turkish delegation welcomed the resolutions on terrorism adopted by the General Assembly and the Security Council, for terrorism had become such a threat that now more than ever it called for a concerted effort by the whole international community.

29. Turkey had consistently strongly condemned as criminal all forms of terrorism and violence that violated fundamental human rights, as well as those States that in any way countenanced terrorism. It had supported various multilateral measures aimed at countering the threat, including the efforts by the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) to promote the security of air and sea transport against acts of terrorism.

30. Turkey had suffered repeatedly, and again just recently, from the most pernicious form of terrorism; it considered all acts of terrorism unjustifiable, whatever their motive and by whomever committed. It must be recognized, however, that nothing could prejudice the right to self-determination of peoples subjected to colonial regimes and other forms of foreign domination, as that was an inalienable right recognized in the United Nations Charter.

(Mr. Güney, Turkey)

31. The loss of human lives and the damage to inter-State relations and cooperation caused by terrorist acts was most regrettable. Turkey was willing to join other members of the international community in any realistic effort to prevent such acts and to apprehend, prosecute and punish the perpetrators.

32. Universal acceptance of the principle of either prosecuting terrorists or extraditing them to the State where they had committed their acts, the accession by all States to the existing international instruments and, if need be, the development of new instruments, as well as the development of mechanisms for apprehending and prosecuting terrorists and for exchanging information, would all be effective means of combating terrorism.

33. The time had come to go beyond condemnation and to strengthen cooperation so as to stamp out international terrorism everywhere; that could only be done if States showed uncompromising solidarity. However, for the reasons stated in its reply reproduced in the Secretary-General's report (A/46/346), Turkey continued to have doubts about the convening of the proposed international conference.

34. Mr. KOLOMA (Mozambique) said that despite the adoption of many resolutions by the General Assembly the international community continued to face acts of terrorism. His delegation unreservedly supported the principles laid down in General Assembly resolution 44/29, as well as all lawful measures to prevent international terrorism and steps to study its underlying causes. However, Mozambique strongly rejected any attempt to equate acts of terrorism with the legitimate struggle of peoples for their national liberation, which was consistent with the right to self-determination enshrined in the Charter and with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

35. His delegation noted with great satisfaction that there was a consensus that emphasis should be put on cooperation between States in seeking ways and means of combating international terrorism. At the national level, Mozambique would welcome suggestions for the enactment of domestic laws to combat terrorism or for the establishment of antiterrorism agencies that would carry out a systematic scientific study of the causes of acts of terrorism; such studies could also be conducted at the regional and international levels. Mozambique welcomed the adoption by the South Asian Association for Regional Cooperation of the Convention on Suppression of Terrorism, and hoped other regional organizations would follow that example.

36. International conventions and other legal instruments to combat terrorism had been steadily increasing in number in recent years, the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection being only the most recent. His delegation commended the United Nations and its specialized agencies, as well as such international organizations as ICAO and IMO, for their untiring efforts to devise further measures against terrorism. In the absence of a global and comprehensive international legal instrument on

(Mr. Koloma, Mozambique)

terrorism, which in his delegation's view was what was required, the expansion of such international legal instruments so as to cover other aspects of international terrorism was desirable.

37. In their replies set out in the Secretary-General's report, some countries had stressed how important it was that States should ratify or accede to the existing conventions dealing with terrorism; his delegation concurred and was pleased to note that such had indeed been the trend in recent years. It had also been suggested that a centre on international terrorism could be established within the Secretariat. Another suggestion that had been put forward was that the International Law Commission should be entrusted with the task of studying aspects of international terrorism. While sympathetic to both ideas, Mozambique believed that it would be preferable to entrust the task in question to a reactivated Ad Hoc Committee on International Terrorism.

38. His delegation welcomed the proposal that the mass media should be used as a channel for seeking assistance and support from the public, while denying terrorists the publicity that was one of their objectives. It also welcomed the suggestion that relevant information should be exchanged so as to strengthen Governments' ability to prevent acts of terrorism and to apprehend and either prosecute or extradite offenders. Mozambique insisted, however, that all measures to combat international terrorism should always be consistent with the principles and rules of international law and should, in particular, take respect for human rights into account.

39. State terrorism, or an officially organized act of aggression or violence against another State, was of particular concern to his delegation. It represented a much greater threat to international peace and security than acts of terrorism by individuals or groups. It was a flagrant violation of the principles of non-use of force in international relations and peaceful settlement of disputes between States, and was a practice with which Mozambique had recently had bitter experience. His delegation therefore unreservedly supported the Assembly's appeal to States set out in paragraph 3 of resolution 44/29. Serious thought should be given to the possibility of applying severe sanctions against States that promoted acts of terrorism in other States.

40. It was disturbing that the study of the underlying causes of international terrorism had not kept pace with measures being taken at various levels to prevent terrorism; the study of underlying causes should be an ongoing task for the international community, since the key to the elimination of international terrorism lay in the removal of its causes and in complete fulfilment by States of their obligations under the Charter and the full implementation of generally accepted principles of international law. Such a study would enable the international community to work out a more comprehensive legal instrument taking into account all identified forms of terrorism. The adoption of preventive measures against some forms of terrorism but not against others might wrongly give the impression that some forms were more extreme than others.

(Mr. Koloma, Mozambique)

41. Although the crime of international terrorism was condemned repeatedly, it had never been defined, which was not consistent with normal patterns of legal conduct. In the absence of such a definition, the concept of combating international terrorism could be misused by some States either against weaker States or against their own citizens. Certainly, international terrorism was difficult to define; but aggression had not been easy to define either, and while the United Nations had taken nearly 20 years to do so it had in fact eventually succeeded. Convening the proposed conference would mean that it would be possible to embark on the task of defining terrorism and to draw up a more comprehensive international legal instrument on the subject.

42. Mr. SANDOVAL (Ecuador) said that the relaxation of international tensions had not curbed terrorism, which continued to affect various regions of the world. In Latin America, terrorism had resulted in much loss of life and destroyed vital economic and social infrastructure. Of particular concern was a new form of terrorism that had developed through the association of terrorists and drug traffickers. In Ecuador, which had also suffered from the destabilizing activities of insurgents, the current Government had successfully pursued a policy of dialogue with terrorist groups, and had thus been able to prevail on them to abandon their armed struggle and integrate into the political life of the country, thereby strengthening the democratic system.

43. Ecuador unequivocally condemned terrorism in all its forms and was of the view that the members of the international community should join forces to combat it, using all legal means at their disposal. States should refrain from organizing, instigating, assisting or acquiescing in terrorist acts in other States, and should strengthen mechanisms for cooperation and exchanging information in order to combat and eradicate terrorism.

44. On the issue of the convening of the proposed conference, Ecuador, which had traditionally supported the struggle of peoples under colonial and other forms of foreign domination for self-determination, believed that agreement must first be reached on a number of fundamental issues, so as to ensure that such a conference would produce the desired results. His delegation hoped nevertheless that at the current session of the General Assembly a consensus could be reached on the text of a draft resolution on measures to prevent international terrorism.

45. Mr. Afonso (Mozambique) resumed the Chair.

46. Mrs. HENNINGS (Bolivia) said that her Government was deeply concerned about the growing scale and complexity of terrorism in the world and wished to reaffirm Bolivia's strongest condemnation of all acts, methods and practices of terrorism, wherever and by whomever committed. Terrorism was a clear violation of human rights, an attack on the security of States and an obstacle to the development of peoples. It was therefore necessary to adopt urgent measures to combat terrorism, and in that struggle the United Nations should

(Mrs. Hennings, Bolivia)

play a key role. Bolivia fully supported resolution 44/29 and believed that, after States had reached agreement on the basic aspects of the question, it would be appropriate to convene, under the auspices of the United Nations, an international conference to elaborate measures to prevent international terrorism. Her country had already ratified a number of international instruments relating to various aspects of the problem of terrorism and was currently considering the early ratification of others.

47. The Bolivian Government believed that the most effective way of combating terrorism would be to study and remove its underlying causes; her Government would therefore support measures designed to achieve that objective. It also wished to draw attention to the growing connection between terrorist groups and drug traffickers, and, in that connection, welcomed Commission on Human Rights resolution 1991/29.

48. Bolivia had traditionally been a peaceful country in which terrorist acts had been virtually unknown. In recent years, however, subversive groups suspected of having ties to drug traffickers had committed acts such as the destruction of electricity pylons, placing or threatening to place bombs in public places, and assassinations, thereby gradually introducing terrorism into Bolivia. While aware of the difficulty of combating the combined actions of terrorists and drug traffickers, Bolivia was firmly committed to the struggle against drug abuse and illicit trafficking, taking into account the principle of shared responsibility within the framework of respect for the sovereignty and territorial integrity of States, non-interference in the internal affairs of States and non-recourse to the threat or use of force. Her country was convinced that the success of measures to combat terrorism and drug trafficking, particularly the combined effect of the two, depended on the coordinated efforts of the international community. It therefore urged all States to join forces in the difficult but not hopeless endeavour to eliminate international terrorism.

49. Mrs. SILVERA NUÑEZ (Cuba), reviewing the history of the international community's efforts to combat terrorism, recalled the General Assembly's decision in 1972 to establish the Ad Hoc Committee on International Terrorism, which had endeavoured to define international terrorism, to examine its causes and to consider solutions. Although the Committee's efforts had been paralysed after 1979 by the Assembly's failure to take a decision in the matter, the Movement of Non-Aligned Countries had contributed to its work by emphasizing that terrorism was not limited to individuals and groups and that any impartial consideration of the matter by the United Nations must begin with State terrorism. The non-aligned countries had also rejected efforts to put the actions of States on a par with those of peoples struggling for independence and self-determination.

50. Terrorism was a deceptive term. The mass media were manipulated by propaganda campaigns conducted by some States in an attempt to justify the covert actions of their repressive forces and intelligence services; in so

(Mrs. Silvera Nuñez, Cuba)

doing, they hoped to create a favourable climate for their philosophical doctrines, which sought to undermine the just struggles of peoples for sovereignty, independence and self-determination, and to legitimize their military and paramilitary activities on the pretext of defending democracy.

51. Her Government condemned international terrorism and attached great importance to efforts to suppress terrorist acts, which were incompatible with the principles on which Cuba's foreign policy was based.

52. Cuba rejected state terrorism and destabilizing policies designed to undermine the sociopolitical systems of many third world countries in violation of the most elementary norms of international law and the principle of peaceful coexistence among nations.

53. The legal regime established by the various international instruments on the subject could function only if States fulfilled their obligations and displayed the necessary political will.

54. Her delegation reaffirmed the importance of the preparation by the international community of a legal instrument which would define terrorism and underscore the responsibility of States with regard to the monitoring of domestic forces that promoted violence in other countries.

55. The Cuban Government supported the reference in General Assembly resolution 44/29, paragraph 14, to the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation.

56. Her delegation believed that international cooperation in combating international terrorism should focus on preventing terrorist acts by one State against other States and all forms of assistance in the commission of such acts, and on condemning the collection of funds with a view to the promotion of terrorism.

57. The Cuban Penal Code provided for specific penalties to be applied to the perpetrators of terrorist acts. Her country had consistently complied with the international guidelines for the protection of civil aviation, and her Government had promulgated Act 1266 so that the problem of the seizure of aircraft and similar crimes could be dealt with on the basis of bilateral agreements.

ORGANIZATION OF WORK

58. The CHAIRMAN said that, following the consultations which he had held, he wished to propose that the Committee should convene the Working Group on the United Nations Decade of International Law. He further proposed that the

(The Chairman)

Committee should elect Mr. Aftab Farrukh (Pakistan) as Chairman of the Working Group. If he heard no objection, he would take it that his proposals were acceptable to the Committee.

59. It was so decided.

60. After a procedural discussion in which Mr. BERG (Germany), Mr. VAN DE VELDE (Netherlands), Mr. TOMKA (Czechoslovakia), Mr. CHATURVEDI (India), and Mr. CALERO RODRIGUES (Brazil) took part, the CHAIRMAN suggested that the Secretariat should prepare a revised draft timetable for consideration of the report of the International Law Commission.

61. It was so decided.

The meeting rose at 12.40 p.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
16th meeting
held on
Friday, 18 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 16th MEETING

Chairman:	Mr. AFONSO	(Mozambique)
later:	Mr. SANDOVAL (Vice-Chairman)	(Ecuador)
later:	Mr. AFONSO (Chairman)	(Mozambique)

CONTENTS

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued)

AGENDA ITEM 134: CONSIDERATION OF THE DRAFT ARTICLES ON MOST-FAVOURED-NATION CLAUSES (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-56651 3989S (E)

Distr. GENERAL
A/C.6/46/SR.16
23 October 1991

ORIGINAL: ENGLISH

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 125: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1 and 2)

1. Mr. FARRUKH (Pakistan) said that his country unequivocally condemned all terrorist activities that resulted in violence or the threat of violence against innocent persons, irrespective of the motivations involved. International cooperation was essential to ensure success in the struggle against terrorism. In that connection, his Government had signed, ratified and acceded to a number of international conventions relating to various aspects of the problem of international terrorism. International cooperation should also include the exchange of information on terrorists, as well as strengthening of security and administrative machinery to curb terrorism.

2. A clear definition of terrorism was an important ingredient in such cooperation since it was a basic principle of international jurisprudence that offences should be clearly defined. It would be difficult, however, to agree on a definition of terrorism, since it had to be differentiated from the struggle for national liberation. Pakistan's support for antiterrorist measures did not imply a disavowal of the right of peoples to self-determination and national liberation from alien or colonial domination. Moreover, any definition of terrorism which did not include terrorism by States to suppress the right of peoples to self-determination would obviously be unsatisfactory, since terrorist acts perpetrated against innocent citizens by a State were no less reprehensible than terrorism carried out by individuals and groups.

3. Pakistan, which had in recent years witnessed a series of violent terrorist attacks against its civilian population, believed that it was necessary to eliminate the underlying causes of terrorism. Efforts should be made to eliminate colonialism, racism, alien domination, foreign occupation and the infringement or denial of the right of peoples to self-determination and fundamental freedoms. Political inequities frequently provided the most prolific breeding ground for the growth of terrorism, and it was therefore imperative to redress the economic and political situations that engendered frustration and led to strife and confrontation.

4. Mr. YOUSIF (Sudan) said that his Government unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism, especially those directed against civilian targets, such as the taking of hostages. The new penal code of the Sudan and other Sudanese legislation provided for effective preventive measures against and severe punishments for all acts of terrorism. Moreover, the Sudan was party to a number of international conventions concerning terrorism and was considering accession to other such relevant instruments.

5. His delegation welcomed the proposals to enhance the role of the United Nations in combating international terrorism and in studying its underlying causes. The tragic events that had taken place at the Acropole Hotel and the Sudan Club at Khartoum in 1986 had forced the Government to draw a clear distinction between pure acts of terrorism and operations conducted by national liberation movements. The struggle against terrorism could not be successful unless the international community agreed on a definition of terrorism. His delegation would support any action that might be taken to reach agreement on such a definition, including the convening of an international conference under the auspices of the United Nations, seeking the assistance of the International Law Commission, or even dealing directly with the issue in the Sixth Committee.

6. His delegation hoped that in the endeavour to define terrorism the issue of State terrorism would be given sufficient attention. For the purpose of clarification, meanwhile, the term "State terrorism" could be construed to include: the instigation of hostile acts by one State against another; a conspiracy by individuals, States or organizations to cause harm or instability, or to place political pressure in any form on another party; and the continuous propagation by States or organizations of erroneous information that damaged the reputation or interests of another State in its relations with third parties. Furthermore, while the Sudan considered the struggle of peoples and liberation movements against colonialism, racial discrimination and hegemony as legitimate, such legitimacy did not justify the taking of innocent human lives.

7. Terorrism could be dealt with appropriately only by correctly defining it and identifying its various forms and manifestations. In that connection, the reply received from the International Maritime Organization (IMO) (A/46/346) proposed useful measures that could be applied to mitigate the effect of terrorism.

8. Mrs. DLIMI (Tunisia) said that General Assembly resolution 44/29, the relevant Security Council resolutions and the Conventions adopted under the auspices of the International Civil Aviation Organization (ICAO) and IMO all helped to strengthen the efforts of the international community to eliminate international terrorism. Her country had experienced terrorism in its most pernicious form, and she took the opportunity to reaffirm her Government's absolute condemnation of such acts, whether they were perpetrated by individuals or by States. It had ratified various international conventions on the problem, and was preparing to ratify the Convention on the Marking of

(Mrs. Dlimi, Tunisia)

Plastic Explosives for the Purpose of Detection, recently signed at Montreal. Her delegation reaffirmed its conviction that coordinated action at the international level was required in the struggle against terrorism in all its forms and whatever its origins, causes and objectives. She drew particular attention to the emergence of extremist religious movements, based on intolerance and cruelty, which engaged in attacks on the lives, property and safety of individuals and which undermined the stability of democratic institutions. Tunisia, with its traditional attachment to human rights, could not tolerate such practices.

9. The search for practical solutions to the problem should not be allowed to override the legitimate struggle of peoples for liberation and independence. The continuance of situations which were intolerable under international law constituted a potential source of terrorist acts. In the Middle East, for example, it was essential to find a just and lasting solution to the problems of the Palestinian people by recognizing its legitimate rights and by ending the occupation of Arab territories: it was only by removing such injustices that peace and security could be restored to the region.

10. A definition of the concept of terrorism would help to dispel misunderstandings, and her delegation accordingly supported the proposal for the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. There were those who thought that such a conference was liable to focus discussion on the political aspects of the problem, and might thus fail to achieve its intended objective, but in her delegation's view the issue was in essence of a political nature. At the same time, a new momentum in the struggle to defeat terrorism could only be attained through a dispassionate and objective discussion of the issues involved.

11. Mr. Sandoval (Ecuador), Vice-Chairman, took the Chair.

12. Mr. TA-AMA (Togo) said that, ever since the question of terrorism had been on the Assembly's agenda, the United Nations had maintained a clear and firm position, reminding States that, even if the threat of terrorism could not be perceived in the same manner by all, no country was immune from danger, and that it was in the interest of all States to deprive terrorists of the means of committing their crimes.

13. In his delegation's view, the adoption of General Assembly resolutions 40/61, 42/159 and 44/29 and Security Council resolutions 579 (1985), 635 (1989) and 638 (1989) had been a major step towards a real international response to terrorism. Those resolutions condemned all acts of terrorism wherever and by whomever committed.

14. On the basis of that unequivocal condemnation, his delegation believed that the fight against terrorism should begin with the refusal to support or to protect factions or movements likely to resort to terror.

(Mr. Ta-Ama, Togo)

15. It should be incumbent upon each State to adapt its legal arsenal to the requirements of combating terrorism, which generally extended beyond the boundaries of a single State or of a single legal system. The members of the Economic Community of West African States and the parties to the quadripartite Agreements between Nigeria, Benin, Togo and Ghana had undertaken such efforts and were seeking the best means of applying the principle of "extradite or prosecute" and of improving the procedures for international judicial cooperation.

16. International cooperation should also be designed to assist third world countries in improving the effectiveness of their border control procedures, especially at airports.

17. The annex to the Secretary-General's report (A/46/346) showed that nearly all States were parties to the international conventions dealing with various aspects of international terrorism. Togo, which had acceded to nearly all of those conventions, viewed them as a means of achieving a major international objective, namely, the disappearance of any safe haven for terrorists.

18. Further accessions by States to those conventions would make an even greater contribution to the achievement of that objective if they were accompanied by the will to apply them in good faith and in observance of the principle of pacta sunt servanda.

19. In his delegation's view, the best way of combating terrorism was to adopt an approach which avoided abstraction and focused on specific acts of terrorism. That consideration had led Togo to sign the Convention of the Marking on Plastic Explosives for the Purpose of Detection.

20. The principle of the right to self-determination was one of the pillars of his country's foreign policy. It was the duty of peoples living under a colonial and racist regime or who were subject to other forms of foreign domination to rise up against their oppressors, using all non-terrorist means of struggle. His delegation believed that it was necessary to differentiate the struggle for national liberation, which was recognized by international law, from terrorism. A factor reinforcing that view was that all the major liberation movements had themselves renounced terrorism as a means of struggle.

21. Nevertheless, however much the international community might condemn terrorism, some groups and individuals continued to feel that they were the victims of injustice and would not shrink from carrying out desperate acts. Accordingly, international cooperation in eliminating terrorism should also seek to eliminate such grievances as the denial of the right to self-determination, foreign intervention, discrimination and racial segregation and massive and repeated violations of human rights.

22. Miss ARGUETA (El Salvador) said that the progress made by the international community in its struggle against terrorism was reflected in the unanimous adoption of resolutions on the subject by the General Assembly and the Commission on Human Rights as well as in the various international instruments in which the international community unequivocally condemned international terrorism. The underlying causes of terrorism had also been studied at various regional and interregional meetings, and it was now necessary to implement the recommendations that had emanated from those meetings in order to combat organized terrorism effectively. Her delegation was concerned at the growing connection between international terrorism on the one hand and drug trafficking, mercenary activities, and the arms trade on the other, and was of the view that more attention should be paid to that aspect of terrorism.

23. El Salvador had ratified a number of international conventions relating to the problem of international terrorism, and was considering the possibility of ratifying the other international instruments on the subject. Moreover, the Ministry of Justice of El Salvador was currently preparing legislation to establish a national commission for the prevention of crime, including acts of terrorism, and to implement domestically the recommendations and conclusions of the various meetings held on the subject. In the view of her delegation, the struggle against terrorism required political will on the part of States as well as close cooperation between specialized national agencies.

24. Despite the recent positive changes in the international community, the growing scale and complexity of terrorism cast a dark shadow and was one of the most serious concerns of El Salvador. Her Government unequivocally condemned terrorism in all its forms and considered that there could be no justification for such cruel and indiscriminate acts, which constituted a flagrant violation of human rights. In that connection, her delegation welcomed the unanimous adoption by the Commission on Human Rights of its resolution 1991/29.

25. Attacks against the economy and vital infrastructure of a country constituted terrorist acts not only because they violated the democratic, constitutional order of a State but also because of their consequences for the stability and security of a country, and particularly their adverse effects on different sectors of the population whose fundamental rights were denied.

26. Latin America had not been spared the effects of terrorism, and during the past decade El Salvador had been a living example of the great suffering terrorism caused. Nevertheless, her country had persevered in its efforts to find a solution that would eliminate the factors that had given rise to the Salvadorian crisis and put an end to the acts of terrorism and violence which the people of El Salvador suffered. In that connection, the Central American Presidents, at their tenth Summit, had reiterated in the Declaration of San Salvador their condemnation of acts of violence and terrorism and called for the disarming and demobilization, with United Nations verification, of the Farabundo Martí National Liberation Movement (FMLN), and for the members of the FMLN to be reincorporated into the civilian, institutional and political life of the country within a framework of full legality.

(Miss Argueta, El Salvador)

27. It would be possible to define terrorism and to differentiate it from the struggle of peoples for national liberation only after States had reached agreement on a number of basic elements. El Salvador called on the international community to intensify its struggle against terrorism, and hoped that a resolution on the subject could again be adopted without a vote.

28. Mrs. GOLAN (Israel) said that her country unequivocally condemned all acts, methods and practices of terrorism wherever and by whomever committed, and without any exception whatsoever. The convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation would, however, be counter-productive since, in the absence of a common approach to a definition, any attempt to legitimize acts of terrorism under the pretext of national liberation would not yield positive results. Effective measures against terrorism could be implemented through international cooperation aimed at improving security measures, strengthening the conventional law enforcement framework, and taking comprehensive action against States which employed terror.

29. Where the strengthening of security measures was concerned, Israel welcomed the adoption of the Convention on the Marking of Plastic Explosives for the Purpose of Detection and had become party to several other international instruments relating to various aspects of international terrorism.

30. With regard to the strengthening of conventional law enforcement, the adoption at the national level of antiterrorist legislation and appropriate penalties that were consistent with international instruments, together with the establishment of a universal jurisdiction to prosecute the perpetrators of terrorist acts wherever they were found, would be quite effective. It was also important to close loopholes that enabled terrorists to escape punishment by a State holding a terrorist, since neither extortion against a State nor the fear of its, or the sympathy of a State for the aims of a terrorist group should permit such criminals to evade justice. Her delegation supported the recommendations of the International Federation of Air Line Pilots Associations on the forced premature release from detention of aviation terrorists.

31. Comprehensive action should be taken against States which employed terror directly or through the sponsorship of terrorist groups, since the perverse achievements of terrorist groups all over the world would clearly not have been possible without the financial and logistical support of such States.

32. Mr. HAMAI (Algeria) said that, as his delegation had previously stated, Algeria's Islamic culture and values made it particularly sensitive to the suffering which terrorism inflicted and it reacted with horror to the use of violence against innocent victims.

33. Nevertheless, the question of terrorism called for a lucid and dispassionate approach. Although the item had been on the Committee's agenda

(Mr. Hamai, Algeria)

since 1972, it had lost none of its relevance and urgency. The failure to eradicate terrorism suggested that there might have been serious deficiences in the Committee's treatment of the item. In his view, the problem had been the one-sidedness of the Committee's approach, which had focused on measures to suppress international terrorism without studying the underlying causes which continually nurtured it.

34. While the Ad Hoc Committee on International Terrorism had not completed its work on the underlying causes of international terrorism, it had, to its credit, made a number of recommendations which had been endorsed by the General Assembly. One of those recommendations, which had fallen into abeyance despite the importance which many delegations, including his own, attached to it, concerned the contribution to be made by States and by relevant United Nations organs to the progressive elimination of the causes underlying international terrorism.

35. The proposal to convene, under the auspices of the United Nations, an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation provided an opportunity to fill the gap left by the Ad Hoc Committee's work. While reactions to the proposal had indeed been mixed, most delegations had responded favourably to it. Algeria had always believed that the difficulty of an undertaking should not, a priori, constitute grounds for inaction. The same objection had been raised to the establishment of the Ad Hoc Committee, of which his country was a member.

36. On the basis of that experience, his delegation was convinced of the timeliness and the utility of greater international cooperation in defining international terrorism. Algeria had made no secret of its support for the effort to differentiate terrorism from the legitimate struggle of peoples and national liberation movements for self-determination, independence and freedom, and against colonial and racist regimes and other forms of foreign domination.

37. An objective definition of terrorism could not fail to include State terrorism which was one of the deadliest forms of international terrorism because it directly threatened international peace and security.

38. Mr. WINKLER (Austria) said that, nearly 20 years after the Committee had begun its consideration of the item, the question of combating international terrorism had lost none of its urgency. Despite the manifold efforts made by the international community, terrorism continued to threaten the internal stability of States as well as peace and security on both the regional and the global levels.

39. Terrorism was truly an international problem. The experience of recent years showed that no State, whatever its internal system and whatever position it might adopt concerning disputes or grievances elsewhere, was immune to acts of terrorism within its territory and jurisdiction.

(Mr. Winkler, Austria)

40. While terrorism was not new, its internationalization and the highly destructive means available to terrorists were unprecedented. Accordingly, the battle against terrorism had become extremely complex. First and foremost, all States must express their determination not to tolerate such acts on the pretext that they furthered political aims. While Austria had never contested the legitimacy of certain political objectives the pursuit of which often served as an excuse for the perpetrators of terrorist acts to commit their crimes, it believed that the only course of action for States was to abide by the rule of law and to seek solutions to their grievances in accordance with the principles of the Charter of the United Nations. All States must be firm and unwavering in treating terrorist acts as what they were, namely, common crimes of a particularly grave nature for which there could be no justification or exoneration.

41. Austria unequivocally condemned all acts of terrorism and would use every legal means within its power to bring the perpetrators to justice. He noted with satisfaction that all delegations which had so far addressed the issue shared that view and had stated their willingness to join in local, regional or global efforts in that area.

42. His delegation believed that international cooperation in combating terrorism must be further strengthened. Such cooperation should include both prevention and suppression of acts of terrorism; in that connection, he urged States to intensify their mutual efforts either through existing institutions or on an ad hoc basis.

43. Since the adoption in 1963 of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the legal framework for combating international terrorism had been continously developed and improved. Each of the international legal instruments adopted since then addressed particular aspects of international terrorism; in the context of the current debate, it should be noted that those instruments contained either explicit definitions or at least general references to their respective fields of application, and that so far no problems had arisen as to their applicability in specific cases. His country was a party to all the instruments on terrorism which were currently in force and had instituted the constitutional procedures required for its accession in the near future to the recently signed Convention on the Marking of Plastic Explosives for the Purpose of Detection. It was also a party to the European Convention on the Suppression of Terrorism of 1977 and had actively participated in the various activities undertaken by the Council of Europe in the field.

44. There was still room for improvement in the international legal framework, with gaps remaining to be filled. His delegation believed that the specialized agencies and the various regional organizations could play an important role in that regard.

(Mr. Winkler, Austria)

45. While stressing the significance of the accession by all States to the existing international legal instruments and of the elaboration of new ones, his delegation emphasized that it was equally important for the international community to give a clear political signal of its unanimous rejection of the acts, the methods and the practices of terrorism. That signal should once again take the form of a resolution, which should be adopted by the General Assembly without a vote at the current session, reaffirming the provisions contained in resolution 44/29.

46. Turning to the question of an international conference to define terrorism, he said that his delegation remained unconvinced that such a conference would serve a useful purpose or contribute to the fight against terrorism. In his view, the rules of international law pertaining to the illegality of all acts of terrorism could be applied in practice without the need for a general definition. Such a definition would not promote legal clarity, but would instead be likely to blur the issues which would not be in the interest of the international community.

47. Mr. YAMADA (Japan) said that his delegation wished to reaffirm its full support for General Assembly resolutions 40/61, 42/159 and 44/29, which unequivocably condemned all acts, methods and practices of terrorism wherever and by whomever committed. In those resolutions the General Assembly had also urged all States to take effective and resolute measures to prevent and eliminate international terrorism as quickly as possible.

48. With regard to the question of hostages, his delegation welcomed the recent release of several hostages and was encouraged by developments in negotiations for the release of others, but it continued to be deeply concerned about the situation of many of those still being held. Japan greatly appreciated the Secretary-General's ongoing efforts in that connection, and hoped that those and other endeavours would be sustained until the problem was resolved once and for all. In that context, he drew attention to a recent and deplorable incident in which three Japanese experts who had been sent abroad in connection with an economic assistance programme had lost their lives in a terrorist attack. The incident illustrated all too graphically the devastating effects of international terrorism on the lives of innocent people and on peaceful and friendly relations between States.

49. The most important outcome of international efforts to prevent and suppress terrorist activities was the series of conventions referred to in the annex to the Secretary-General's report (A/46/346), and in particular the Convention on the Marking of Plastic Explosives for the Purpose of Detection. The adoption of that convention, which dealt with new types of terrorist acts made possible by technological advances, was an important element in building an international legal framework for the effective prevention of terrorist acts against international civil aviation. Japan also placed a high value on the efforts made by ICAO in the prevention of terrorist acts against aircraft and airports, and on those of IMO in preventing maritime terrorism.

(Mr. Yamada, Japan)

50. It was also essential to set up a system of international cooperation that would deny sanctuary to perpetrators of terrorist acts by obliging States either to extradite them or to refer cases to the proper authorities for prosecution. Japan accordingly supported the gradual establishment of an expanded legal framework which would include additional specific aspects to be covered by international conventions. Every effort must be made to enhance the universality of the relevant conventions and to secure faithful implementation of their provisions.

51. For that reason, his delegation regarded the call for a general definition of international terrorism as contrary to a realistic and concrete approach by the international community in the prevention of international terrorism. In the light of the abstract and unproductive arguments in which the Ad Hoc Committee on International Terrorism had engaged throughout the 1970s, it was difficult for his delegation to recognize the usefulness of convening an international conference to define terrorism.

52. With the end of the cold war, the international community had entered a period of transition towards a new world order, but serious attention must continue to be paid to the potential threat to peace and stability posed by situations in various regions, and the international community must persist in its efforts to deter hostage-taking and other forms of terrorism.

53. Mr. Afonso (Mozambique) resumed the Chair.

54. Mr. PAL (India), reviewing consideration of the issue of terrorism since 1972, with particular emphasis on General Assembly resolutions 42/159 and 44/29, said that his country had always taken a keen interest in the work of the Ad Hoc Committee on International Terrorism. Moreover, India's concern at the problem of international terrorism was reflected in initiatives undertaken at the bilateral, regional and international levels, particularly within the Movement of Non-Aligned Countries and the Commonwealth. India was a party to the conventions on the protection of civil aviation signed at Tokyo, The Hague and Montreal, and the Indian Parliament had enacted appropriate legislation to implement those conventions in Indian domestic law. It was also a party to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and had actively participated in the negotiations on the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

55. At the regional level, India had also contributed towards solving the problem of international terrorism. For example, in the context of the South Asian Association for Regional Cooperation (SAARC), it was a party to the Regional Convention on Suppression of Terrorism, which made it obligatory for member States to extradite or prosecute persons engaging in terrorist activities and enumerated the offences of a terrorist nature which were not to be regarded as political for the purposes of extradition. The Convention had been ratified by all seven member States of SAARC, and had come into force on

(Mr. Pal, India)

22 August 1988. India had taken an active part in formulating and negotiating the Convention, and the necessary steps were being taken to implement it in domestic legislation.

56. At the bilateral level, his Government had entered into extradition arrangements with a number of countries, and legislation proscribing acts of terrorism had been introduced at the national level.

57. In conclusion, he said thousands of Indians had been killed or maimed by terrorist acts, and extensive damage caused to property. It was that experience which lent urgency to his Government's efforts in support of international cooperation to eliminate terrorism. At the same time, India fully acknowledged the right to self-defence of legitimate liberation movements recognized by the United Nations.

58. Mr. DROUSHIOTIS (Cyprus) said that his country unequivocally condemned all acts of terrorism wherever and by whomever committed. Such acts tragically affected human life and disrupted friendly relations and cooperation among States as well as the security of States. Individual States and the international community must take effective and resolute measures to combat terrorism and speed its final elimination.

59. Cyprus was a party to many of the legal instruments referred to in the annex to the Secretary-General's report, and its accession to a number of others was pending; most recently it had acceded to the International Convention against the Taking of Hostages. In addition, Cyprus had concluded bilateral agreements with a number of countries for the purpose of combating terrorism, organized crime and drug trafficking.

60. Cyprus fully supported resolution 44/29, and looked forward to the continuation of the international community's efforts and of its commitment to end terrorism.

61. If a consensus could be reached on the convening of an international conference to define terrorism, that would be a positive step in the international community's efforts to deal with terrorism. However, it appeared that no agreement was yet obtainable in that regard. In the meantime, it was much more urgent to continue to forge international cooperation to combat and prevent terrorism.

62. Miss MLAJOANE (Lesotho) said that the central issues regarding terrorism had been eloquently reflected in resolution 44/29; the success or failure of the measures identified in that resolution would depend on the efforts of individual States and of the various non-governmental organizations. However, unilateral action was not enough. International cooperation was required, since in all its manifestations terrorism was international. International terrorism jeopardized the territorial integrity and security of States and would be a permanent threat to the peace and security of international relations, particularly the security of small States, such as Lesotho.

(Miss Hlajoane, Lesotho)

63. Lesotho was a party to a number of international conventions relating to terrorism, such as the International Convention against the Taking of Hostages, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Some more recently adopted conventions were under consideration by Lesotho. However, the existing conventions took a piecemeal approach to the problem of international terrorism; a more consolidated approach to the problem was called for so as to leave no loopholes.

64. Her delegation had taken note of the divergent views expressed on the convening, under the auspices of the United Nations, of an international conference on terrorism. Lesotho believed that such a conference could provide a forum for the articulation and consolidation of common positions on the matter. In the prevailing positive climate of international relations, such a conference could enhance the existing areas of cooperation. However, with no consensus that the conference should be held, its success was in doubt.

65. Lesotho endorsed the views some delegations had expressed regarding the special role of the United Nations. Such machinery as the Ad Hoc Committee on International Terrorism was already in place and needed only to be reactivated. Continued dialogue on the matter could harmonize Member States' divergent views on the definition of terrorism and lead to a comprehensive new international legal instrument on the prevention and elimination of terrorism.

66. Mr. GURECKAS (Lithuania) said that the representative of Mozambique was to be commended for the comprehensive discussion he had presented, at the previous meeting, of the causes of terrorism and State-sponsored terrorism. There were many possible causes of terrorism, but two were particularly relevant to State-sponsored terrorism: a people's aspiration to achieve self-determination, if persistently frustrated, could lead to terrorist acts; and an imperialist Power, when losing popular support during its decline, often resorted to intimidation. Such intimidation often took the form of States-sponsored terrorism, as Lithuania well knew, since before its accession to independence earlier in the current year it had been subjected to many violent acts by the occupying Power.

67. The convening of an international conference to define terrorism could be useful if it improved understanding of the causes of terrorism and if it gave due consideration to State-sponsored terrorism and its consequences for ordinary citizens.

AGENDA ITEM 134: CONSIDERATION OF THE DRAFT ARTICLES ON MOST-FAVOURED-NATION CLAUSES (continued) (A/C.6/46/L.3)

68. The CHAIRMAN said that, as a result of extensive consultations on the draft decision on most-favoured-nation clauses (A/C.6/1991/CRP.2/Rev.1), he had been able to establish that there was general support for the draft. He was therefore now able to introduce and to present to the Committee for

(The Chairman)

adoption the text in question, which was reproduced in document A/C.6/46/L.3. If he heard no objection, he would take it that the Committee wished to adopt the draft decision without a vote.

69. Draft decision A/C.6/46/L.3 was adopted without a vote.

70. Mr. CHATURVEDI (India) expressed his appreciation to the International Law Commission for its work on the draft decision just adopted and to the Chairman of the Sixth Committee for having forged a consensus on the decision, which India wholeheartedly supported.

The meeting rose at noon